

# Oxnard Police Department

## Policy Manual

### **CHIEFS PREFACE**

Policing involves a special trust given to us by the public to uphold and enforce the law. As servants of the public, policing entails and requires us to have thousands of interactions with the public and the community we serve. Often times these contacts are during times of crisis and distress and can unfold rapidly and in unforeseen directions. This manual cannot predict every aspect of policing, nor can it reasonably anticipate all the potential situations that might be encountered by employees of this Department. This manual does establish a framework of rules and expected performance for all department members in order for us to complete our Mission: Protecting our Community with Exceptional Service.

Each employee is equally important and plays an essential role in our effort and measurement of our accomplishments. Policing in the City of Oxnard involves a partnership with the community. As a partner in the community, all employees will work cooperatively with both members of the Department and the community. Jointly we will work to identify and prioritize problems within the agency and the community to develop solutions to problems of mutual concern. In interacting with one another and with the public, we will be professional and consider how our conduct may impact others.

All employees are required to familiarize themselves with the directives in this manual and when necessary, seek guidance and clarification from a supervisor, first. If there is a question of the interpretation of this manual, that interpretation rests with the Chief of Police. It is strongly encouraged that if there are recommendations for constructive changes to improve efficiency and effectiveness of our service, employees will submit those recommendations. This manual will be updated as necessary to reflect changes in the law, personnel responsibilities, and Department goals and objectives.

As the Chief of Police, I am most proud of our Department and every member of our agency. Each and every day our employees act with the professionalism and dedication that often times goes unnoticed. I am confident that together we can continue to work towards making our agency and community incrementally better tomorrow, than it is today.

Jeri Williams Chief of Police

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### **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

# Oxnard Police Department

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## MISSION STATEMENT AND CORE VALUES

### MISSION STATEMENT

Protecting Our Community, with Exceptional Service.

### CORE VALUES

**We, as members of the Oxnard Police Department, are committed to the following Core Values** in providing the people of Oxnard with personalized and effective service:

**We value honesty and integrity.** We expect all members of the Oxnard Police Department to have strength of character, maintain exemplary conduct and carry out their duties with high moral and ethical standards.

**We value the cultural diversity within our Community and within our Department.** We treat members of the Community and members of our department with respect while being objective and impartial. We respect the civil and human rights of all individuals. We do not act selectively towards individuals based upon their race, color, sex, sexual orientation, age, or belief.

**We value the partnerships we form with all members of our Community.** We encourage and appreciate their participation in addressing contemporary issues in our Community. We always strive to understand their interests and concerns. The Oxnard Police Department's perspective in our partnership with the Community should always represent the collective concern of the people of Oxnard. Together we progressively work toward the common goal of improving the quality of life and reducing crime.

**We value a strong work ethic.** We do not accept mediocrity. Through a team effort and inspired leadership, we use innovation and creativity to proactively address contemporary issues in our Community. We recognize that every employee of our Department has specific and unique strengths that can contribute to the furtherance of our goals and we always encourage and expect their input. We work with courage and commitment to make a positive contribution to our Community.

**We value a reverence for all laws.** We recognize that our civil and just society is founded upon the principle of the Rule of Law. No individual is above the law and all individuals are accountable to it. It is therefore critical that we obey the letter and support the spirit of the law. We recognize the United States Constitution as the Supreme Law of our Land and we are sworn to uphold it.

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**We value the Public's trust.** In good faith, we always strive to diligently and competently exercise the authority entrusted in us and we are honored to wear our badge as a symbol of that trust.

**We value respect for others.** We are an organization which insists that our employees show respect for the Public, as well as for each other.

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**Chapter 1 - Law Enforcement Role and Authority**

## **Law Enforcement Authority**

### **100.1 PURPOSE AND SCOPE**

Law enforcement officers are granted the authority to perform his/her function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

### **100.2 PEACE OFFICER POWERS**

Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

- (a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
- (b) Where the peace officer has the prior consent of the Chief of Police, or person authorized by him/her to give consent, if the place is within a city or of the sheriff, or person authorized by him/her to give such consent, if the place is within a county; or
- (c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

### **100.3 CONSTITUTIONAL REQUIREMENTS**

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

## **Chief Executive Officer**

### **102.1 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.

#### **102.1.1 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.

## Oath of Office

### **104.1 PURPOSE AND SCOPE**

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### **104.1.1 OATH OF OFFICE**

Upon employment, all sworn employees 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 and 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.

# Policy Manual

## **106.1 PURPOSE AND SCOPE**

The manual of the Oxnard Police Department is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that police work 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.

### **106.1.1 DISCLAIMER**

The provisions contained in this 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 Oxnard 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 employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training, or discipline. The Oxnard Police Department reserves the right to revise any policy content, in whole or in part.

## **106.2 RESPONSIBILITIES**

The ultimate responsibility for the contents of the manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the manual, the following delegations have been made:

### **106.2.1 CHIEF OF POLICE**

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall authorize the issuance of Revision Orders, which shall modify those provisions of the manual to which they pertain. Revision Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

### **106.2.2 STAFF**

Staff shall consist of the following:

- (a) Chief of Police.
- (b) The Assistant Chief from each bureau.
- (c) The Commanders from each division.

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

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#### **106.2.3 OTHER PERSONNEL**

All Department employees suggesting revision of the contents of the Policy Manual shall forward suggestions in writing to his/her commander/manager, who will consider the recommendation and forward to staff.

#### **106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL**

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

##### **106.3.1 DEFINITIONS**

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

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

**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**Civilian** - Those employees who are not sworn members of the Oxnard Police Department.

**Department** - The Oxnard Police Department.

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

**Employee/Personnel** - Any person who is employed or appointed by the Oxnard Police Department, including sworn officers, reserve officers, civilian employees, and volunteers.

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

**Manual** - The Policy Manual.

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

**Member** - Any person who is employed by the Department including sworn, civilian, reserve officers, and volunteers.

**Sworn** - Those employees, regardless of rank, who are sworn employees of the Department, including reserve officers.

**On-Duty** - Employee 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 job classification title held by sworn members of the Department.

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

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

**USC** - United States Code

# Oxnard Police Department

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### *Policy Manual*

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#### **106.3.2 DISTRIBUTION OF MANUAL**

A computerized version of the Policy Manual will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from Professional Standards.

#### **106.4 MANUAL ACCEPTANCE**

As a condition of employment, all employees are required to read and obtain necessary clarification of the Department's policies. All employees are required to acknowledge, through either a signed statement of receipt or electronic signature, that he/she has received a copy or has been provided access to the Policy Manual, and understand that he/she is responsible to read and become familiar with its contents.

##### **106.4.1 REVISIONS TO POLICIES**

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet. Professional Standards will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall review the revisions and seek clarification as needed.

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

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**Chapter 2 - Organization and Administration**

## **Organizational Structure and Responsibility**

### **200.1 PURPOSE AND SCOPE**

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

### **200.2 BUREAUS**

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

- (a) Administrative Services.
- (b) Field Services.
- (c) Investigative Services.

#### **200.2.1 ADMINISTRATIVE SERVICES**

The Administrative Services Bureau is commanded by an assistant chief whose primary responsibility is to provide general management direction and control for the bureau. The Administrative Services Bureau consists of the following divisions:

- (a) Professional Standards.
- (b) Information Technology.
- (c) Financial Services.
- (d) Records/Property.

#### **200.2.2 FIELD SERVICES**

The Field Services Bureau is commanded by an assistant chief whose primary responsibility is to provide general management direction and control for that bureau. The Field Services Bureau consists of the following divisions:

- (a) Patrol.
- (b) Patrol Support.
- (c) Special Operations.

#### **200.2.3 INVESTIGATIVE SERVICES**

The Investigative Services Bureau is commanded by an assistant chief whose primary responsibility is to provide general management direction and control for the bureau. The Investigative Services Bureau consists of the following:

- (a) Detective Division.
- (b) Crime Analysis Unit.

## Revision Orders

### 204.1 PURPOSE AND SCOPE

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

#### 204.1.1 REVISION ORDER PROTOCOL

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

Revision Orders issued after a manual update will be numbered as follows: Numbering will begin with the year of the Revision Order, a number symbolizing how many Revision Orders have been distributed in that year, and a policy section number (i.e. 2007-1-302).

Revision Orders are only required when an operational change affects the policy manual. Guidelines for the operation of a particular unit, that are internal to that unit, should be memorialized in a unit manual or other appropriate document.

### 204.2 DISTRIBUTION

Operational Revision Orders shall be distributed to all employees via email.

The person authoring the Revision Order will oversee the creation of the order using a template from the network.

Revision Orders (signed hard copies and electronic copies) shall be sent to Professional Standards for distribution.

Professional Standards will be responsible for assigning a number to Revision Orders, maintaining a hard copy and an electronic copy of Revision Orders, and posting Revision Orders on the department "intranet."

Supervisors are strongly encouraged to discuss Revision Orders at squad/unit meetings.

## **Service Agreements**

### **205.1 PURPOSE AND SCOPE**

This agreement policy is intended to establish standardized guidelines for the preparation of agreements that pertain to the outside procurement of services for the Police Department. The types of agreement covered by this policy will include but not be limited to trade services, professional services, and public projects.

### **205.2 DEFINITIONS**

Consulting or professional service agreements cover outside services in the area of technology, legal, and special services. Trade service agreements cover outside services pertaining to use of licensed contractors and public projects.

### **205.3 AGREEMENT PREPARATION**

An electronic template for preparing an agreement and the Agreement/Amendment Review Form is located on the City's "S" Drive. The employee responsible for preparing an agreement will contact the Financial Services Manager to determine the appropriate agreement type and requirements. Once an agreement is prepared, an agreement number is to be obtained from the City Clerk's Office through the City's intranet site. A completed Agreement/Amendment Review form is to be attached, and two originals are routed for proper signatures as stated on the Agreement Review Form. A memorandum to the Contract Compliance Review Committee shall also be included, and should summarize the necessity for the agreement/amendment.

- (a) Sub-recipient Agreements for grant funding also require that the employee preparing the Agreement contact the Grants Specialist of the Police Department.
- (b) As noted in the Agreement/Amendment Review Form, agreement amounts between \$25,000 and \$250,000 require City Manager approval after City Council authorization.
- (c) Agreement amounts over \$250,000 require an agenda item for City Council to authorize the Mayor's approval.

### **205.4 INSURANCE REQUIREMENTS/BUSINESS LICENSE**

Individuals and businesses being contracted must meet the City's current insurance requirements for General Liability, Auto Liability, Workers Compensation and Professional Liability. They must also have a valid City of Oxnard business license.

### **205.5 AGREEMENT APPROVAL**

The Police Financial Manager must review and approve the format of the draft agreement prior to routing for signatures. The person designated as Project Manager for the agreement must have current purchasing authority equal to or greater than the value of the agreement. Final approval rests with the Assistant Chief with managerial responsibility for the unit preparing the agreement. The Project Manager should contact the Contract Compliance Review Committee to determine the need to attend a CCRC meeting. Once completed, one original agreement is forwarded to the City Clerk's Office and the other original agreement is forwarded to the vendor. A complete (executed by all parties) electronic (scanned) version of the agreement shall be emailed to the Financial Services Manager for filing.

# Oxnard Police Department

## Policy Manual

### *Service Agreements*

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#### **205.6 AGREEMENT MONITORING**

The Administrative Services Bureau will track the expiration dates of active agreements and will notify the Project Manager and appropriate Bureau Assistant Chief of agreements that are within three (3) months of their expiration. The Project Manager will inform the Administrative Services Bureau whether the agreement will be allowed to expire or an amendment to extend the agreement will be sought.

## **Emergency Management Plan**

### **206.1 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).

### **206.2 ACTIVATING THE EMERGENCY PLAN**

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

#### **206.2.1 RECALL OF PERSONNEL**

In the event that the Emergency Management Plan is activated, all employees of the Oxnard 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.

### **206.3 LOCATION OF THE PLAN**

The Emergency Management Plan is available in the Administrative Services Bureau and the Watch Commander's office. All supervisors should familiarize him/her with the Emergency Management Plan. The commander collaterally assigned to Emergency Operations should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

### **206.4 UPDATING OF MANUALS**

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

## **Training Policy**

### **208.1 PURPOSE AND SCOPE**

It is the policy of this department to administer training that will provide for the professional growth and continued development of department 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.

### **208.2 PHILOSOPHY**

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

### **208.3 OBJECTIVES**

The objectives of training are to:

- (a) Enhance the level of service to the public.
- (b) Increase the technical expertise and overall effectiveness of department personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Seek the highest quality, most realistic, and technologically advanced training for all personnel.
- (e) Ensure the Department is meeting mandatory state and department specific training requirements for all personnel.

### **208.4 MASTER TRAINING PLAN**

The Master Training Plan (MTP) will be developed and maintained by the Personnel and Training Sergeant. It is the responsibility of the Personnel and Training Sergeant to maintain, review, and update the MTP on an annual basis. The MTP will address the following areas:

- (a) Legislative changes.
- (b) Mandated training.
- (c) Critical issues training.

### **208.5 TRAINING NEEDS ASSESSMENT**

The Personnel and Training Sergeant will conduct a periodic training needs assessment of the Department. The needs assessment will be reviewed by staff, and appropriate changes to the MTP will be made as necessary.

### **208.6 TRAINING PROCEDURES**

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

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1. Court appearances.
  2. Previously approved vacation.
  3. Sick or injury 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 and the Personnel and Training Sergeant as soon as possible but no later than one hour prior to the start of training.
  2. Make arrangements through his/her supervisor and the Personnel and Training Sergeant to attend the mandatory training on an alternate date.

#### **208.7 HOSTED TRAINING**

Any training that will be hosted by the Department shall be coordinated through the Personnel and Training Sergeant.

## Electronic Mail

### **212.1 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 should 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.

### **212.2 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.

### **212.3 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 is subject to discipline.

Email messages addressed to the "all users" are only to be used for official business related items that are of particular interest to all users and require supervisor approval. 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 his/her computer is unattended. This added security measure would prevent the misuse of an individual's email, name and/or password by others.

It is a violation of this policy to allow non-department employees to access or view sensitive or legally-restricted documents and/or email transmissions. Employees are strongly encouraged to take preventative measures when viewing department email, and at a minimum should not remain logged into his/her email when it is unattended.

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#### **212.4 MANAGEMENT OF EMAIL**

Because the email system is not designed for long-term retention of messages, email that the employee desires to save or that becomes part of an official record should be printed and/or stored in another location. Users of email are solely responsible for the management of his/her mailbox. Messages should be purged manually by the user at least once per week.

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## Administrative Communications

### 214.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following:

### 214.2 MEMORANDUMS

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

### 214.3 CORRESPONDENCE

The following individuals are authorized to sign and disseminate correspondence utilizing department letterhead:

- (a) Assistant Chief of Police.

The assistant chiefs may designate personnel under his/her command who, by assignment or need, may sign outgoing correspondence utilizing department letterhead.

### 214.4 RESPONSIBILITY

Each of the Department executives identified above are responsible for the content and correspondence prepared by him/her, or designee.

### 214.5 DISTRIBUTION

An assistant chief, or his/her designee, will approve any correspondence or memorandum before distribution to department personnel. This will ensure propriety and prevent the duplication of information.

### 214.6 SIGNATURE BLOCK

The Chief will only sign correspondence bearing the name of the Chief of Police in the signature block. All other correspondence will be signed as follows:

- (a) **(No signature required)**
  1. Jeri Williams.
  2. Chief of Police.
  3. Signature of sender.
  4. Name of sender, title.
  5. Division or unit.

All correspondence requiring a response or likely to initiate questions shall include the name and telephone number of the contact person within the Department. A copy of all official correspondence bearing the above signature block will be routed to the Chief's Office for filing.

## License to Carry a Firearm

### **218.1 PURPOSE AND SCOPE**

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26155). The Chief may defer authority to the Ventura County Sheriff's Department for the issuance of a license. This policy will provide a written process for the application and issuance of such licenses from the Oxnard Police Department. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

#### **218.1.1 RETIRED POLICE OFFICERS**

The requirements listed in this policy are not applicable to honorably retired police officers from the Oxnard Police Department. Provisions for the issuance of a CCW permit to retired Oxnard Police officers are detailed in section 220 of this policy manual.

### **218.2 POLICY**

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

### **218.3 QUALIFIED APPLICANTS**

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

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

### **218.4 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.

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#### **218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)**

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
  1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
  2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
    - (a) Require the applicant to complete the package before any further processing.
    - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
    - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee (Penal Code § 26190).
  1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
  2. Full payment of the remainder of the application fee will be required upon issuance of a license.
  3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to Livescan and a complete criminal background check by the California DOJ. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).
- (d) The applicant shall submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30

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days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

#### **218.4.2 PHASE TWO**

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

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
  1. The determination of good cause should consider the totality of circumstances in each individual case.
  2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
  3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the agency, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
- (d) The applicant may be required to submit any firearm to be considered for a license to the Range Sergeant or other departmentally 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 Sergeant, or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

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

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#### **218.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM**

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing .

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Oxnard (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).

#### **218.6 ISSUED FIREARMS LICENSE**

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

- (a) The license will not be valid outside the state of California.
- (b) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
  1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
  2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (c) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.
  1. Each license shall be numbered and clearly identify the licensee.
  2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.
- (d) 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

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that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

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

#### **218.6.1 LICENSE RESTRICTIONS**

- (a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
  - 1. Consuming any alcoholic beverage while armed.
  - 2. Falsely representing him/herself as a peace officer.
  - 3. Unjustified or unreasonable displaying of a firearm.
  - 4. Committing any crime.
  - 5. Being under the influence of any medication or drug while armed.
  - 6. Interfering with any law enforcement officer's duties.
  - 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
  - 8. Loading the permitted firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

#### **218.6.2 AMENDMENTS TO LICENSES**

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

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

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

#### **218.6.3 REVOCATION OF LICENSES**

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

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

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).

#### **218.6.4 LICENSE RENEWAL**

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

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing an approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
- (c) Submitting any firearm to be considered for a license renewal to the Range Sergeant for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

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

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

#### **218.7 DEPARTMENT REPORTING AND RECORDS**

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

- (a) The denial of a license.
- (b) The denial of an amendment to a license.
- (c) The issuance of a license.
- (d) The amendment of a license.

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- (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.

#### **218.8 CONFIDENTIAL RECORDS**

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

Any information in an application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

## **Retired Officer CCW/HR 218 Endorsements**

### **220.1 PURPOSE AND SCOPE**

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a carry concealed weapons permit (CCW)/HR 218 endorsement for retired officers of this department.

### **220.2 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).

#### **220.2.1 APPLICATION PROCESS**

The CCW application process for retirees is as follows:

- (a) Complete the DOJ CCW Form.
- (b) The applicant shall be required to submit to Live-Scan fingerprinting.
- (c) Normal CCW fees to the Department of Justice and the City of Oxnard are provided by the City of Oxnard.
- (d) Qualification within 12 months on the firearms(s) to be covered by the CCW. A copy or certificate of qualification will be kept in the CCW file in Records.

### **220.3 MAINTAINING A CCW ENDORSEMENT**

In order to maintain a CCW Approved endorsement on an identification card, the retired officer shall (Penal Code § 12027.1(a)(2)):

- (a) Qualify annually with the authorized firearm(s) on an approved course of fire at the retired officer's expense. The retired officer may attend and Oxnard Police Department range to qualify at no expense (an exception would be if the retired officer is qualifying on a firearm in which the caliber is different from ammunition being utilized by the Department).
- (b) Remain subject to all department rules and policies as well as all federal, state and local laws.
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

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#### **220.4 CARRYING FIREARMS OUT OF STATE-"HR 218 COMPLIANT" STAMP**

Subject to 18 USC § 926C and Policy Manual § 312.8, qualified retired officers of this department may be authorized to carry a concealed firearm in other states and are required to meet certain additional requirements/qualifications to the Department established CCW requirements. These Federal requirements are listed below:

- (a) As used in HR 218, the term "qualified retired law enforcement officer" means an individual who:
1. Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability.
  2. Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest.
  3. Before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or
  4. Retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency.
  5. Has a non-forfeitable right to benefits under the retirement plan of the agency.
  6. During the most recent 12-month period, has met the state of residence standards for training and qualification for active law enforcement officers to carry firearms.
  7. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance while in possession of a concealed firearm.
  8. Is not prohibited by Federal law from receiving a firearm.
- (b) The identification required by this subsection is:
1. A photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; **or**
  2. A photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and
  3. A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

To maintain the protections accorded by HR 218, the annual requirement for qualification by the retiree either in the State of California or his/her state of residence, as described above, is the responsibility of the retiree. If the retiree does not qualify in accordance with the above, the retiree's "HR 218 Compliant" stamp is not considered valid. The Department will cooperate with any lawful investigation, by an authorized law enforcement agency, as to the retiree's current compliance with the provisions of the HR 218 qualification requirements.

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### *Retired Officer CCW/HR 218 Endorsements*

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On renewal of the retiree's Department identification card (every 5-years), the retired officer will provide a copy or certificate of qualification within the previous 12 months in order to receive the "HR 218 Compliant" stamp. The copy or certificate will be maintained in the CCW files in Records. If the officer has not qualified within 12 months of the renewal, or does not provide a copy or certificate of qualification, the re-issued Department identification card shall not have the "HR 218 Compliant" stamp affixed.

#### **220.5 IDENTIFICATION CARD FORMAT**

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

#### **220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT**

The CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or permanently revoked only upon a showing of good cause. Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

- (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) The 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.

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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 .

#### **220.6.1 WATCH COMMANDER RESPONSIBILITY**

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Watch Commander as soon as practical. The Watch Commander should take the following steps in these instances:

- (a) Take appropriate steps to promptly look into the matter.
- (b) If warranted, contact the retiree in person and advise him/her in writing of the following:
  1. The retiree's CCW endorsement is immediately and temporarily revoked.
  2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
  3. 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.
- (c) A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
- (d) 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 peace officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a peace officer of that agency act as the Department's agent to deliver the written notification.
- (e) 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).
- (f) The Watch Commander should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

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**Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

- (a) **Deadly Force**-Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.
- (b) **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.
- (c) **Resistance**-Any action, either verbal or physical, that indicates a subject's intentions not to comply with officer(s). This generally occurs in two forms:
  - 1. **Passive Resistance**-The subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody (i.e. A protestor who lies down in front of a business)
  - 2. **Active Resistance**-The subject takes action to prevent being taken into custody with the goal of escape, and not injury to the officer. This action may include twisting, pulling, holding onto fixed objects, or running away.
- (d) **Assaultive**-The subject takes action that indicates intent to injure an officer. This level of aggression may manifest itself through punching, kicking, or pushing and may include extreme physical force up to and including the discharge of a firearm or use of a blunt or bladed weapon.

### 300.2 POLICY

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

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

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

#### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do

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so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

#### **300.3 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

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.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be 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 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 (*Penal Code § 835*).

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

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.

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- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects, and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

#### **300.3.3 PAIN COMPLIANCE TECHNIQUES**

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

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

#### **300.3.4 CAROTID CONTROL HOLD**

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
  - 1. The subject is violent or physically assaultive.
  - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself, or others.

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- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
  - 1. Females who are known to be pregnant
  - 2. Elderly individuals
  - 3. Obvious juveniles
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

#### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:
  - 1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
  - 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

##### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

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

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

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#### **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 practical following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (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 ECD or control device (as defined in Oxnard Police Department §308).
- (e) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (f) A carotid control hold was applied.
- (g) A firearm was discharged either intentionally or unintentionally.
- (h) The individual subjected to the force was rendered unconscious.
- (i) The individual was struck or kicked.
- (j) The individual alleges any of the above has occurred.

#### **300.6 MEDICAL CONSIDERATION**

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

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

The on-scene supervisor, or if 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 (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers

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who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

#### **300.7 SUPERVISOR RESPONSIBILITY**

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

- (a) Obtain the basic facts from all officers present during the use of force. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Supervisors shall prepare a Use of Force report when any of the following occur:
  1. The application of force appears to have caused physical injury.
  2. The individual has expressed a complaint of pain.
  3. Any deployment or discharge of a chemical agent, electronic control device, impact weapon, carotid control hold, or firearm, regardless of whether the subject sustained an injury.
  4. Any strikes such as palm heel, elbow, knee, kicks, or closed fist, regardless of whether the subject sustained an injury.
  5. The individual has been rendered unconscious.
- (d) When possible, separately obtain a recorded interview with the subject upon whom force was applied. This interview should take place as soon as possible and may take place prior to a Miranda Warning being given by the arresting officer. The sergeant should preface the interview by letting the subject(s) know that the answers are not intended to be used in any criminal investigation. The following will apply:
  1. The content of the interview should not be summarized or included in any related criminal report, only the use of force report.
  2. The recording of the interview should be distinctly marked for retention, including the DR number, until all potential for civil litigation has expired.
  3. If the subject(s) invokes Miranda Rights prior to being interviewed, no interview by the supervisor shall be conducted.
  4. If the basic facts lead the supervisor or Watch Commander to believe the incident may be a "critical incident" as listed in Policy Manual §305.2, no interview of the subject will be conducted prior to the notification of the Major Crimes Sergeant.
- (e) 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.
- (f) Identify any witnesses not already included in related reports.
- (g) Review and approve all related reports.
- (h) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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- (i) 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 USE OF FORCE REVIEW**

Use of force reports completed by supervisors will be named with the DR number, "UOF", and the officer's last name (i.e. "12-12345 UOF Jones") and forwarded to the appropriate commander. The commander will review and email the completed use of force report to the "DL-Use of Force" distribution list on Outlook (Professional Standards Commander, Special Operations Commander, Internal Affairs Sergeant, and the DETAC Sergeant).

The review of use of force reports and any recommendation for additional action or follow-up will be the responsibility of the Professional Standards and Special Operations Commanders. Additional subject matter experts within the department may be forwarded the use of force report for review and to provide input.

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## Critical Incidents

### 305.1 PURPOSE AND SCOPE

To establish a policy for the comprehensive investigation of critical incidents involving police personnel and to provide guidance and procedures for involved personnel.

### 305.2 METHOD

The complexity of the subject of critical incidents is such that a set policy cannot be formulated to cover every facet of these cases. Therefore, the following procedures may not be appropriate in all cases. Should the nature of the incident be such that some or all of these procedures cannot be followed, the investigation shall proceed under the philosophy that the interests of the employee, Department, and the public require that investigation and review of these incidents be conducted in the most thorough and objective manner possible. The purpose of such an investigation will be to reconstruct and determine all of the facts surrounding the incident.

"Critical incidents" addressed include, but may not be limited to, the following incidents:

- (a) Shooting incidents in which a person is struck by police gunfire.
- (b) Shooting incidents in which an occupied vehicle or a structure is struck by police gunfire.
- (c) Any incident in which a person dies, suffers a life-threatening injury, or is admitted to the hospital for treatment beyond a medical clearance as a result of police action.
- (d) An incident involving the use of deadly force by an officer of this department whether or not an injury is inflicted.

### 305.3 PROCEDURE

#### 305.3.1 INITIAL ACTIVITIES AND RESPONSIBILITIES

- (a) Involved Officer(s):
  - 1. Care for injured person(s).
  - 2. Call for appropriate medical aid.
  - 3. Apprehend suspect(s).
  - 4. Control and protect the scene.
  - 5. Notify dispatch of the incident and request a supervisor.
  - 6. Cause pertinent information to be broadcast (i.e., ATLS).
  - 7. Locate, identify, and detain any and all witnesses in the area and obtain statements (do not attempt to do in-depth interviews).
  - 8. Keep witnesses separated.
  - 9. Using proper techniques, seek dying declarations if appropriate.
- (b) If transporting witnesses, obtain his/her permission (audio recorded if possible). If the witnesses refuse to be transported, obtain a statement (record all witness statements).
- (c) If involved, do not discuss the incident with others.

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- (d) Provide preliminary and public safety information to the first supervisor available on the scene.
- (e) First supervisor on scene:
  - 1. Ensure that all steps above have been complied with.
  - 2. Ensure integrity of physical evidence and witness statements.
    - (a) Direct officer(s) to accompany wounded person(s) to hospital.
    - (b) Direct officer(s) to collect clothing and other property from wounded person(s) during medical treatment (in field and hospital).
    - (c) Arrange for obtaining a "dying declaration" if necessary.
    - (d) Canvass the surrounding area for potential witnesses.
  - 3. Determine from all involved officers what occurred and what steps have been taken prior to the arrival of the supervisor. In the case of an officer-involved shooting, determine the number of shots fired and what direction those shots were fired (Public safety information).
  - 4. Direct necessary action to locate and apprehend outstanding suspect(s).
    - (a) Arrestees should not be transported from arrest scene until directed to do so by Investigator(s), unless exigent circumstances so dictate.
    - (b) Cause updated information to be broadcast, if appropriate.
  - 5. Keep comprehensive notes and file supplementary report if necessary.
  - 6. Advise the Watch Commander of the circumstances and request the appropriate investigators. This communication should be made by telephone, if possible, to prevent unauthorized interception.
  - 7. Request and deploy sufficient personnel to secure the incident scene.
    - (a) Direct officer(s) to maintain control of incident until arrival of investigators, then provide assistance as needed to contain the scene.
    - (b) Direct officer(s) to begin and maintain a Critical Incident Log (OPD Form #203).
  - 8. Provide support and assistance to the investigators. Coordinate all efforts with investigators prior to releasing any witness or pertinent officers.
  - 9. At the appropriate time, the field supervisor or Major Crimes supervisor shall examine the involved weapon(s), note the condition, and seize and secure the weapon(s) if necessary. If possible, the weapon used should remain in the possession of the involved officer until seized as evidence by investigative personnel at the station. If the weapon must be seized at the scene, the involved officer shall be informed of the following:
    - (a) The weapon is being seized as physical evidence.
    - (b) The weapon is being taken for that purpose alone.
    - (c) A replacement weapon will be issued as soon as practical.
      - 1. The weapon will be left in the seized condition.
      - 2. If it is determined that an immediate enforcement/defensive situation still exists, do not leave the officer unarmed.
      - 3. Disarming the officer must be done discretely and in a manner which does not imply any wrongdoing by the involved officer.

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- (d) At the earliest possible time after the situation stabilizes, have the involved officer driven to the Department. This may be done by the supervisor or his designee.
  
- (f) Watch Commander
  1. Ensure that a supervisor (either by rank or designated) responds to the scene.
  2. Establish and maintain an incident log, including the names of persons notified and time of notification.
  3. Immediately notify the Investigative Services Bureau (ISB) Commander, or in his/her absence the Major Crimes Sergeant, the Professional Standards Commander, Oxnard Peace Officers Association (OPOA) President (or other OPOA officer or board member in the president's absence) and request response.
  4. Notify the Duty Chief and Chief of Police.
  5. Ensure adequate staffing level by calling in additional personnel as necessary.
  6. Upon arrival of the involved officer(s) at the station, the Watch Commander shall:
    - (a) Ensure the issues related to the involved officer's firearm have been addressed.
    - (b) If more than one officer is involved, then the Watch Commander will make every effort to keep those involved in separate areas. At each location where involved officers are waiting for investigators, an uninvolved officer should accompany them.
  7. Ensure that the officer(s) is isolated from unnecessary contact in a comfortable area and is accompanied by an uninvolved officer.
    - (a) Uninvolved officers should not discuss the incident while accompanying the involved officer(s) and be aware that they may be interviewed regarding any statements.
    - (b) Contact the involved officer's chaplain of choice, OPOA president or board member, family member, and/or peer counselor. Remind the officer that he/she has these rights.
  8. Advise the involved officer that he/she will be interviewed upon completion of the scene investigation and needed interviews, and that he/she may have a representative of his/her choice present. Assist the officer in securing a representative (uninvolved in incident under investigation).
    - (a) Do not prematurely judge the officer's actions as proper/improper in accordance to policy or statute. No statement should be made regarding culpability of officer.
    - (b) Due to the nature of the investigation, officer(s) may have a lengthy wait prior to any interview.
  9. In most circumstances, press releases will be handled by the Investigations Bureau. They also may be completed by an assigned Press Information Officer. Official press release information shall be prepared in compliance with this policy manual.

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#### **305.3.2 INVESTIGATION**

- (a) All deadly force incident investigations will be the responsibility of the Investigative Services Bureau (ISB) Commander.
  - 1. The Major Crimes Sergeant and any member(s) of the investigations bureau not involved in the incident may conduct the investigation.
  - 2. Should the Major Crimes Sergeant be unavailable, the ISB Commander or Chief of Police will assign a supervisor to the investigation. The selected supervisor will head the investigation team and report directly to the ISB Commander.
  
- (b) Major Crimes Sergeant will:
  - 1. Immediately respond to the scene and coordinate the investigation.
  - 2. Determine facts and the need for additional assistance.
  - 3. Ensure that procedures are followed, including notification of the ISB Commander, Professional Standards, collection of officer's involved weapon, etc.
  - 4. Call the district attorney's office regarding incident.
  - 5. Contact the department counsel.
  - 6. Coordinate activities related to the interview of the involved officer(s).
  
- (c) Investigation Reports
  - 1. All deadly force incidents will be issued a report number and will be documented in the appropriate official report.
    - (a) A crime report will be completed in all cases in which the incident involves criminal activity by any person.
    - (b) The report will contain all investigative findings, witness statements, officer statements, physical evidence reports, evidence analysis reports, diagrams and other supporting documents generated or developed during the investigation.
  - 2. The investigators will act under the authority of the Chief of Police, and all members of the Department shall provide whatever assistance, information, or support requested.
  - 3. The primary purpose of this investigation is to make a factual determination of the incident.
    - (a) All causative factors, whether primary, secondary or peripheral, shall be investigated and documented.
    - (b) All witnesses will be interviewed, and his/her statements audio-recorded and documented.
    - (c) All physical evidence will be properly collected and preserved.
  - 4. The assigned investigators have the primary responsibility for conducting the investigation and interviewing all involved and/or concerned persons.
  - 5. Operational supervision of the investigation will be provided by the ISB Commander who will assign necessary additional staff and/or resources to the investigators.
  - 6. The investigation of a deadly force incident shall be considered to be equal to the most significant criminal investigation.

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- (a) It shall be conducted in as complete, detailed, objective and thorough a manner as possible, comparable to a homicide investigation.
- (b) All laws of search and seizure shall be complied with during the investigation.
- (c) The investigator(s) shall comply with all applicable provisions of Government Code § 3300 through § 3311.
- (d) Medical Examiner Notification
  - 1. The criminal investigator(s) shall have the sole responsibility for notification of the Medical Examiner's Office in cases involving fatalities.
- (e) Final Investigative Report
  - 1. The final investigative report will include all supporting documentation. This report will be reviewed by the Major Crimes Sergeant, ISB Commander, and ISB Chief. The report will be reviewed to ensure that it is complete and contains all supporting documentation and evidence prior to its release to the district attorney's office or department counsel.

#### **305.3.3 ADMINISTRATIVE INVESTIGATION**

- (a) An administrative investigation may be defined as an investigation to determine whether the involved conduct or act(s) were consistent with department policy and/or procedures.
- (b) After review of the incident by the Chief of Police, he/she shall determine if an administrative investigation is necessary and when it will be initiated. The Chief of Police will then make notification to the Professional Standards Unit, if applicable.
- (c) The Professional Standards Division will conduct an investigation subordinate to the criminal investigation.
- (d) Professional Standards personnel will conduct an investigation of the incident (the investigator may utilize the criminal investigation to assist in formulating his/her report).
  - 1. The purpose of this investigation is to determine whether the incident was within policy or out of policy.
  - 2. The investigation, in conjunction with Policy Manual § 300, will also evaluate training considerations relative to the use of weapons and force, and overall response to the incident.
  - 3. The results of the investigation shall be forwarded to the Chief of Police.
- (e) The administrative investigators may conduct additional interviews of persons involved and/or witnesses that deemed necessary in conducting the inquiry.
  - 1. In addition, the investigators may review and examine evidence, and take other actions as needed.
  - 2. Any interview done with the officer(s) will be separate from the criminal investigation and in compliance with:
    - (a) Government Code § 3300 through § 3311.
    - (b) Current case law.

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#### **305.3.4 DISTRICT ATTORNEY INVOLVEMENT**

Representatives of the Ventura County District Attorney's Office will be notified as soon as possible after an officer involved in deadly force incident has occurred. The representative will be told those facts known to the investigating supervisor at the time of notification. The representative will be given the location and name of an investigator to contact in the field, if necessary.

At the conclusion of the investigation, a complete copy of the criminal investigation will be submitted to the district attorney with a request for analysis under current law.

#### **305.3.5 MEDIA NOTIFICATION AND INVOLVEMENT**

- (a) The Public Information Officer or Watch Commander may, in major incidents or other cases he/she feels appropriate, notify the media through the "Code-20" process shortly after an incident occurs to allow on-scene coverage by the media. If such a notification is made, the Public Information Officer, or another designee, will be assigned to the scene and will handle all media contact there. Information about incidents involving officers should be given by or approved by a command level officer, preferably the Investigation Division Commander. In all cases, the Investigative Services Bureau Commander will be consulted prior to information about the involved officers or the investigation is released to the media.
- (b) As soon as practical after the incident, a written press release shall be prepared, which should contain the following information.
  - 1. Date, time and location of the incident.
  - 2. Precipitating circumstances (e.g., radio call of 211, routine traffic stop, etc.) Brief summary of the incident (e.g., "following the traffic stop, there was an exchange of gunfire between the officer and occupants of the vehicle").
  - 3. Identity of the involved officer(s).NOTE: The involved officer(s) shall be allowed to complete personal notification to his/her immediate family prior to release of his/her name to the media or public.
  - 4. Identity of other involved person(s). This shall include a general description of extent of injury(s), whether or not there is an outstanding suspect(s), a statement that an investigation of the incident has begun, and that the Ventura County District Attorney's office has been notified. NOTE: Identification of fatally injured persons will not be released until next of kin has been notified. Authorized release is given by the Medical Examiner's office.
- (c) The press release shall be reviewed by the ISB Commander prior to release. Information which might, in the judgment of the supervising investigator, compromise the investigation or hamper efforts to identify and arrest outstanding suspect(s) will not be included in the press release.
- (d) Subsequent press releases will be issued by the ISB Commander through the Public Information Officer as he/she deems appropriate.
- (e) All press releases shall comply with and be issued in accordance with current policies and current legal statutes.

#### **305.3.6 INTERVIEW OF INVOLVED OFFICER(S) (CRIMINAL INVESTIGATION)**

- (a) The interview of involved officer(s) shall be coordinated by the Major Crimes Sergeant or assigned investigator. The conduct and control of the interview rests entirely with the investigators.

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1. The Professional Standards Division may monitor the investigation and interview of the involved officer(s).
  2. The Professional Standards Division will not take an active part in the criminal investigation.
- (b) The interviewing investigator shall comply with all applicable provisions of Government Code § 3300 through §3311 and current court decisions, including advising of right to and OPOA representative and right against self incrimination.
- (c) The interview with the involved officers(s) shall occur at the earliest possible time consistent with proper investigative techniques, preservation of the officer's rights, and notification of the OPOA.
1. The interview of involved officer(s) will not be conducted until the OPOA President has been notified of the incident and afforded the opportunity to respond to the location of the involved officer(s) to personally contact such officer(s) or designate another representative to respond. In the president's absence, another OPOA officer or board member shall be notified and afforded the same opportunities.
- (d) The involved officer(s) shall be given a reasonable opportunity to have a representative of his/her choice (excluding other involved officers) present during the interview, and shall have the right to confer with a representative and attorney (excluding other involved officers) prior to the interview.
- (e) During the period prior to the interview, the officer(s) will be allowed to contact his/her family and/or other persons (with the exception of other involved officers). The officer(s) will also be allowed to, and assisted in, obtain personal requests such as food, coffee, etc.
- (f) At the beginning of the interview, the investigators will identify themselves and any other persons present. If a representative of the District Attorney's Office is present, the involved officer(s) shall be so informed. The investigators shall tell the involved officer(s) that the interview is being tape recorded.
- (g) Recommended Interview Procedure (Criminal Investigations):
1. Involved officer(s) will be interviewed as required by applicable statutes and court decisions.
  2. If prior to, or during, an interview the investigator discovers the possibility of any criminal conduct by the officer(s), the investigator shall:
    - (a) Stop the interview.
    - (b) Notify the ISB Commander and Chief of Police of the implications.

#### **305.3.7 SUSPECTED CRIMINAL LIABILITY OF OFFICER(S)**

- (a) If at any time the Major Crimes Investigator believes that an officer(s) has committed a crime, he/she shall immediately notify the Investigative Services Bureau Commander. The Investigative Services Bureau Commander or his/her designee will brief the Assistant Chiefs and Chief of Police.
- (b) The Major Crimes Investigators shall advise the officer of his/her rights per Miranda, and continue forward with the interview if possible as an impartial fact finder.

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#### **305.4 DISSEMINATION OF CRITICAL INFORMATION**

Whenever a serious incident takes place in the City of Oxnard, investigators should consider completing an "Incident Summary" to be forwarded to the Watch Commander. Incidents that should necessitate the summary include:

- (a) Homicides that are actively being investigated and the investigation could affect patrol operations or require assistance from patrol personnel.
- (b) Serious ADW cases that are being actively investigated.
- (c) Serious gang crimes where retaliation is likely (this would also include crimes involving tagging crews).
- (d) Serious incidents that result in investigator call out.
- (e) Any other type of incident that would require significant patrol resources and/or involve persons or circumstances that create a greater safety risk to patrol personnel if contacted in the field.

Though the investigations sergeant overseeing the case will decide when the summary will be completed, it is recommended that the on-duty Watch Commander be consulted for input in the event it is decided the summary will not be completed.

The summary, when completed, will be given to the Watch Commander to be presented at briefing, and will be maintained in a notebook labeled "Incident Summary Reports" kept in the Watch Commander's Office. Additionally, there will be an "Incident Summary Supplemental" form that will be used to update the original summary when needed. The completed supplemental form will be attached to the original summary in the notebook, and will be presented at briefings to keep officers up to date on the cases and their progress. The shift's Watch Commander, or the most senior sergeant in the Watch Commander's absence, shall be responsible for ensuring that information is relayed to squad room briefings on his/her shift.

The Incident Summary and Incident Summary Supplemental are confidential documents and will not be duplicated or copied.

#### **305.5 PSYCHOLOGICAL ASSISTANCE**

Following a deadly force incident, officer(s) involved suffer significant emotional impact. The impact varies with each individual and is unpredictable. In some cases there is no noticeable change in the individual, and in others it may occur immediately, hours or days later. The Professional Standards Division will ensure that the involved officer(s) confers with a department psychologist within forty-eight (48) hours of the incident. If a department psychologist responds directly to the scene of the critical incident and meets with the involved officer(s), the Professional Standards Division will coordinate a post-incident appointment with a department psychologist within five (5) days of the incident. The communication between the officer and psychologist will be deemed confidential except that the psychologist will advise the Chief of Police or his/her designee if he/she believes that the officer is fit for duty.

#### **305.6 REPORTS BY OFFICERS**

Officer(s) directly involved in the deadly force incident shall prepare a complete written report detailing their observations, actions and other factors related to the incident. In lieu of preparing this report the officer may elect to participate in a voluntary interview conducted by a designated uninvolved police officer or investigator. This report or interview shall be completed prior to the officer securing from duty unless otherwise directed by the

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Investigative Services Bureau Commander. The initial or crime report should be filed by an uninvolved officer, unless unusual circumstances exist.

#### **305.7 ADMINISTRATIVE LEAVE**

The emotional and physical well-being of the involved officer(s) is of utmost importance during the time immediately after a critical incident. The officer(s) directly involved in the incident may be placed on administrative leave with pay by the Chief of Police or his/her designee after being released by the investigators. Administrative leave with pay will be for an indeterminate period of time, although the department will generally seek at least a 72-hour period of time off before an officer returns to full-duty. No officer(s) will be authorized to return to full-duty without the clearance of a department psychologist. The decision to return an officer to full-duty is a critical step in his/her emotional recovery and will only be made after consulting with the involved officer(s).

Prior to their return to full-duty, involved officer(s) may be required to complete a firearms qualification course in accordance with Policy Manual § 312.4.

The officer(s) placed on administrative leave will be provided written instructions by the Professional Standards Division as to their responsibilities while on administrative leave. Mandatory court appearances while the officer is on administrative leave will be handled on a case-by-case basis.

#### **305.8 DEADLY FORCE INCIDENTS OUTSIDE OXNARD JURISDICTION INVOLVING OXNARD OFFICER(S)**

- (a) The Duty Chief or his/her designee will respond to assist investigative personnel of the responsible agency by cooperating and supplementing available resources when requested.
  1. The Watch Commander or Professional Standards personnel shall notify the OPOA president of incidents involving officer(s) outside of Oxnard jurisdiction, whether or not such officer(s) is off-duty or on-duty. In the president's absence, another OPOA officer or board member shall be notified.
  2. All officer rights enumerated above apply to involved officers whether in this jurisdiction or out, although some procedures may vary. Oxnard investigators may offer advice to the involved officer(s) and the primary jurisdictional investigators.
- (b) The Professional Standards Division will be responsible for conducting an administrative investigation of the use of deadly force by Oxnard Police Department personnel.
- (c) Press release information is the responsibility of the primary jurisdiction, but the ISB Commander should coordinate the release of information by this department with the handling agency.

## Handcuffing and Restraints

### 306.1 PURPOSE AND SCOPE

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

### 306.2 POLICY

The Oxnard 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.

### 306.3 USE OF RESTRAINTS

Only employees who have successfully completed 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:

- (a) The circumstances or crime leading to the arrest.
- (b) The demeanor and behavior of the arrested person.
- (c) The age and health of the person.
- (d) Whether the person is known to be pregnant.
- (e) 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.
- (f) Whether the person has any other apparent disability.

#### 306.3.1 RESTRAINT OF DETAINEES

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

#### 306.3.2 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 and in no event shall these persons be restrained by the use of leg irons, waist chains, or handcuffs behind the body.

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

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#### **306.3.3 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.

#### **306.3.4 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

#### **306.4 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 individual 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.

#### **306.5 APPLICATION OF SPIT HOODS/MASKS**

Spit hoods/masks 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 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 that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals 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

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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.

#### **306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

#### **306.7 APPLICATION OF LEG AND/OR BODY RESTRAINT DEVICES**

Leg and/or body 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 and/or body restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, 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 unit).

##### **306.7.1 GUIDELINES FOR USE OF LEG AND/OR BODY RESTRAINTS**

When applying leg and/or body restraints the following guidelines should be followed:

- (a) If practical, officers should notify a supervisor of the intent to apply the leg and/or body restraint device. In all cases, a supervisor shall be notified as soon as practical after the application of the leg and/or body restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg and/or body 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 ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting

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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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

## **Control Devices and Techniques**

### **308.1 PURPOSE AND SCOPE**

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

### **308.2 POLICY**

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

### **308.3 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.

### **308.4 RESPONSIBILITIES**

#### **308.4.1 INSTRUCTOR RESPONSIBILITIES**

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

Every control device will be periodically inspected by the designated instructor for a particular control device. The inspection shall be documented.

#### **308.4.2 USER RESPONSIBILITIES**

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

Any damaged, inoperative, outdated, or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the designated instructor 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.

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#### **308.5 BATON GUIDELINES**

The use of a baton on an assaultive suspect may be appropriate under the following circumstances:

- (a) Lower levels of force have been attempted and failed.
- (b) The officer has a reasonable belief that he/she cannot overcome the resistance, assault, or gain compliance of the suspect by using lower levels of force.
- (c) The officer faces multiple suspects.
- (d) Immediate control is needed due to tactical considerations.

The baton may also be used in conjunction with department-approved "come-along" and control holds. Only officers who have successfully completed department-approved training may utilize the baton in this manner.

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.

#### **308.6 CHEMICAL AGENT GUIDELINES**

The use of chemical agents for crowd control, crowd dispersal, or against barricaded suspects shall be based on the circumstances. The Watch Commander, Incident Commander, or Special Operations Commander may authorize the delivery and use of chemical agents, evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary to result in the safe control of the suspect(s). When practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of chemical agents should discharge such devices at the scene.

##### **308.6.1 DECONTAMINATION OF INDOOR ENVIRONMENTS**

- (a) Aerate the structure by opening as many windows as possible.
- (b) Use fans to blow out any particles still airborne. Large fans can be placed on the upwind side of the structure.

#### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

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

##### **308.7.1 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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#### **308.7.2 PEPPER PROJECTILE SYSTEMS**

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

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

Each deployment of a pepper projectile system shall be documented. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **308.7.3 TREATMENT FOR OC SPRAY AND CHEMICAL AGENT EXPOSURE**

Decontamination for exposure to OC and chemical agents includes moving the subject to an area that has fresh air. Persons should face the wind, breathe deeply, and open their eyes. If the effects persist, the affected area should be rinsed with water. Those persons who complain of continued or ongoing discomfort should be afforded a medical examination by medical personnel.

#### **308.7.4 POST-APPLICATION NOTICE**

Whenever OC or chemical agents 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.

#### **308.8 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.

##### **308.8.1 DEPLOYMENT AND USE**

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

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

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

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

#### **308.8.2 DEPLOYMENT CONSIDERATIONS**

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

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

#### **308.8.3 SAFETY PROCEDURES**

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

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

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

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

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and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### **308.9 TRAINING FOR CONTROL DEVICES**

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

- (a) Proficiency training shall be monitored and documented by a certified control-device, weapons, or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

#### **308.10 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 Policy Manual §300.

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## **Electronic Control Device Guidelines**

### **309.1 PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of electronic control devices (ECD). The Taser™ is an ECD that is currently approved for use by this department, and for purpose of this policy, the term "TASER" is intended to relate to any department-approved and authorized ECD.

### **309.2 POLICY**

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

### **309.3 ISSUANCE AND CARRYING OF TASER DEVICES**

Only officers who have successfully completed department-approved training may be issued and carry the Taser. Tasers are issued for use during an officer's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory. Officers shall only use the Tasers and cartridges that have been issued by the Department. Uniformed officers who have been issued the Taser shall wear the device in an approved holster on their person. Non-uniformed officers may secure the Taser in the driver's compartment of their vehicle. Officers carrying the Taser should perform a spark test on the unit prior to every shift. When the Taser is carried as part of a uniformed officer's equipment, the holster shall be maintained for an "off-hand" carry, draw, and presentation to eliminate any confusion with the duty weapon.

- (a) All Tasers shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that their issued Taser is properly maintained and in good working order.
- (c) Officers should not hold both a firearm and the Taser at the same time.

### **309.4 VERBAL AND VISUAL WARNINGS**

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

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the Taser may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the Taser. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision. The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Taser in the related report.

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#### **309.5 USE OF THE TASER DEVICE**

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

##### **309.5.1 APPLICATION OF THE TASER DEVICE**

The Taser 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 Taser to apprehend an individual.

##### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

##### **309.5.3 TARGETING CONSIDERATIONS**

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the Taser probes to a precise target area, officers should monitor the

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condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

#### **309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE**

Officers should apply the Taser for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the Taser 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 Taser appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the Taser, 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 Taser at a time against a single subject.

#### **309.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

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

#### **309.5.6 DANGEROUS ANIMALS**

The Taser 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.

#### **309.5.7 OFF-DUTY CONSIDERATIONS**

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

Officers shall ensure that Tasers 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.

### **309.6 DOCUMENTATION**

Officers shall document all Taser discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

#### **309.6.1 REPORTS**

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

- (a) Identification of all personnel firing Tasers.
- (b) Identification of all witnesses.
- (c) Medical care provided to the subject.

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- (d) Observations of the subject's physical and physiological actions.
- (e) Any known or suspected drug use, intoxication, or other medical problems.

#### **309.7 MEDICAL TREATMENT**

Trained officers may remove probes to non-sensitive areas. If the probes have penetrated a sensitive area, or if a trained officer is unable to remove the probes, they should be removed by medical personnel. Used Taser probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

#### **309.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Taser may be used. A supervisor should respond to all incidents where the Taser was activated. A supervisor should review each incident where a person has been exposed to an activation of the Taser. The device's onboard memory should be downloaded through the data port by a supervisor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

#### **309.9 TRAINING**

Personnel who are authorized to carry the Taser shall be permitted to do so only after successfully completing the initial department-approved training. Proficiency training for personnel who have been issued Tasers should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate. All training and proficiency for Tasers will be documented in the officer's training file.

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

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

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

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

The Personnel and Training Sergeant should ensure that all training includes:

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

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## Officer-Involved Shootings

### 310.1 PURPOSE AND SCOPE

To establish policy and procedures for the investigation of an incident in which a person is injured or killed as the result of a police shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

### 310.2 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or an assistant chief.
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency.
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency.
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

### 310.3 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

#### 310.3.1 OXNARD POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Oxnard Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the Major Crimes Unit. In the event that the shooting involves personnel from the Major Crimes Unit, the Investigative Services Bureau Chief or his designee will determine who will investigate the incident.

#### 310.3.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Oxnard Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the Major Crimes Unit of the Oxnard Police Department. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

#### 310.3.3 OXNARD POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Oxnard Police Department will conduct a timely civil and/or administrative investigation of the incident.

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#### 310.3.4 INVESTIGATION RESPONSIBILITY MATRIX

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

|   | <b>Criminal Investigation of Suspect(s)</b> | <b>Criminal Investigation of Officer(s)</b>     | <b>Civil Investigation</b>    | <b>Administrative Investigation</b> |
|---|---|---|-------------------------------|-------------------------------------|
| <b>In This Jurisdiction</b>                         | Investigators                               | OPD Investigators                               | Civil Liability Team          |                                     |
| <b>Allied Agency's Officer in This Jurisdiction</b> | Investigators                               | OPD Investigators                               | Involved Officer's Department | Involved Officer's Department       |
| <b>In Another Jurisdiction</b>                      | Agency where incident occurred              | Decision made by agency where incident occurred | Civil Liability Team          |                                     |

#### 310.4 THE INVESTIGATION PROCESS

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

##### 310.4.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
  1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.
  1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

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2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

#### **310.4.2 WATCH COMMANDER DUTIES**

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

#### **310.4.3 NOTIFICATIONS**

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

- (a) Duty Chief.
- (b) Chief of Police.
- (c) Investigative Services Bureau Chief.
- (d) Involved officer's bureau chief.
- (e) Investigative Services Bureau Commander.
- (f) Major Crimes Sergeant.
- (g) District Attorney OIS roll out team.
- (h) Professional Standards Commander/Internal Affairs Sergeant.
- (i) Third party administrator for liability issues.
- (j) Police Chief's legal counsel.
- (k) Trauma Support Team.
- (l) Medical Examiner (if necessary).
- (m) Officer representative (if requested).

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

#### **310.4.4 MEDIA RELATIONS**

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Investigative Services Bureau Chief and Community Affairs Manager in the event of inquiries from the media. In all cases, the Investigative Services Bureau Commander will be consulted prior to information about the involved officer(s) or investigation or the investigation is released to the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Bureau Chief.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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#### **310.4.5 INVOLVED OFFICERS**

Once the involved officer(s) have arrived at the station, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
  2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers 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.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

Detectives shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

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

#### **310.5 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

##### **310.5.1 DETECTIVE PERSONNEL**

Once notified of an officer-involved shooting, it shall be the responsibility of the Major Crimes Sergeant to assign appropriate detective personnel to handle the investigation of related crimes. The Investigative Services Bureau Commander will be responsible for all officer-involved shooting incidents upon his/her notification.

All related department reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate bureau chief.

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#### **310.5.2 CRIMINAL INVESTIGATION**

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- (a) Supervisors and Professional Standards personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult with a representative of his or her choosing or an attorney, prior to speaking with criminal investigators.
- (c) Any officer involved in an incident may be permitted to review available video or audio recordings prior to providing a recorded statement or completing reports. There may be instances in which investigators would prefer to obtain a statement from the officer about their perception of the incident prior to them reviewing video or audio recordings. In these cases, the investigator will consult with the supervisor, commander, and the officer's representative or attorney. Any video or audio recordings should not be publicly released during an ongoing investigation without consulting the District Attorney as appropriate.
- (d) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

#### **310.5.3 REPORTS BY INVOLVED OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved 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 officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview 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 involved 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 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.

#### **310.5.4 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an officer-involved shooting or other major incident 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) Identify all persons present at the scene and in the immediate area.

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1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Assign available personnel to promptly contact 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 contact with officers.

### **310.6 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Commander and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting may be 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 or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))
- (c) In the event that an involved officer has elected not to 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 (Government Code § 3303(i)). However, in order to maintain the integrity of each individual officer's statement,

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involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview Government Code § 3303(g))
4. The officer shall be informed of all constitutional "Miranda" rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used to further the criminal investigation (The Lybarger or Garrity admonishment).
5. The administrative interview shall be considered part of the officer's confidential personnel file.
6. The Professional Standards Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

## Firearms

### **312.1 PURPOSE AND SCOPE**

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his/her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

#### **312.1.1 DEFINITION**

The Department Range Sergeant is the Rangemaster for the organization. He is assisted by individuals identified as Assistant Rangemasters. In the absence of the Rangemaster, the Assistant Rangemaster will be in charge at range activities. The Range Staff reports directly to the Special Operations Commander.

### **312.2 AUTHORIZED WEAPONS**

No firearms will be carried that have not been thoroughly inspected by the Range Sergeant or his/her designee during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, 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 personnel in the performance of their official duty without the express written authorization of the employee's Bureau Chief. This exclusion does not apply to the carrying of a tactical knife that is not otherwise prohibited by law.

Officers that choose to carry folding/pocket/tactical knives are required to carry them in a secure manner (i.e. not tucked in the waistband or behind magazine pouches) and will do so in as inconspicuous of a manner as possible.

#### **312.2.1 DUTY WEAPONS**

The primary department-issued handgun will be the Beretta 9MM. Compact models of different weapons systems may be issued to officers based on individual needs. Officers assigned to the Special Operations Division may be issued specialized handguns of varied caliber for duty purposes. Officers working uniformed patrol are permitted to carry a firearm from one of the below-listed weapons systems as their primary weapon. The specific model permitted will be subject to approval by the Special Operations Commander.

Officers working plainclothes assignments such as investigations are authorized to carry a handgun other than their duty weapon as their primary weapon. The caliber of that weapon shall be 9mm, .40, or .45, and must have been approved by the Special Operations Commander. Officers working in a true undercover capacity will be authorized to carry personally owned firearms that are of a high quality and shall be limited to .38, .380, 9mm, 357, .40, or .45 caliber, and must have been approved by the Special Operations Commander. Officers of specialized units may be assigned to use weapons based on the tactical need of that unit, with the approval of the unit's Bureau Chief (examples not limited to: Traffic unit personnel-H&K G-36 rifle, SWAT personnel-sniper rifles, etc). In all circumstances, appropriate pre-requisite training will be prepared by a POST-Certified

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presenter, or in-house by the Range Staff. All personnel will receive the prerequisite training prior to deploying with the specialized weapons.

The following additional weapons are approved for on-duty use\*:

| MAKE            | MODEL            | CALIBER  |
|-----------------|------------------|----------|
| Sig Sauer       | Varied           | 9mm, .45 |
| Beretta         | Varied           | 9mm, .45 |
| Glock           | Varied           | 9mm, .45 |
| Remington       | 870              | 12 gauge |
| Colt            | AR-15 Series     | .223     |
| Rock River Arms | LAR-15 (A2/A4)   | .223     |
| Bushmaster      | AR-15 (A2/A3/M4) | .223     |

*\*Any officer that qualified to carry a previously authorized firearm (H&K, Para Ordinance) prior to May 1, 2012 shall be allowed to carry that firearm.*

- (a) The Department's duty patrol shotgun is the Remington 870, a .12 gauge pump-action weapon. At the beginning of each shift, patrol officers are required to load the shotguns assigned to them and then secure the shotguns in the locking racks of their vehicles. The shotguns are stored in these racks throughout the shift and may or may not be deployed. Under certain circumstances, one officer may have to use another officer's shotgun. For this reason, it is important to have consistency in the manner in which the shotguns are loaded as well as the type of ammunition loaded into the shotguns.
1. Only department-issued ammunition shall be loaded into an officer's duty shotgun.
  2. During an officer's shift, his/her shotgun shall only be stored in the vehicle's locking rack with 00 buckshot rounds.
  3. The shotgun shall never be stored in the vehicle's locking rack with a round in the chamber.
  4. For department-issued shotguns, each officer shall load four buckshot rounds into his/her magazine tube at the beginning of each shift.
  5. For department-approved shotguns that have been modified with longer magazine tubes, more buckshot rounds are allowable.
  6. Slug rounds may be carried in a side saddle, or other carrying device, and may be deployed based on the needs of the officer.
- (b) The Department's duty patrol rifle is the Colt AR-15/M16, a .223 caliber semi automatic weapon. The use of the weapon is outlined in Oxnard Police Department §432.
- (c) Officers shall carry only department-issued ammunition for duty weapons.

#### **312.2.2 AUTHORIZED SECONDARY FIREARM**

On-duty officers may, at their discretion, carry one concealed second firearm on their person. This firearm shall be of a type limited to those that have been approved by the Department Range Staff.

Personally owned firearms carried as a second firearm shall be of a high quality and shall be limited to: .38, .380, .357, .40, .45, or 9mm in caliber, automatic pistol and/or revolver. All firearm choices are subject to the approval of the Special Operations Commander and

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will be evaluated for safety features such as drop safety compliance, trigger features, and the overall quality of the weapon system. Weapons considered single-action and do not have a minimum of two safeties are not permitted. Any weapon that is carried in a "locked and cocked" configuration must have a holster which has a thumb strap that completely blocks the rearward hammer from the weapon's striker, and the weapon is holstered with the weapon's thumb-safety activated.

Officers shall only carry department-issued ammunition in their second firearm. If the caliber of the weapon is other than department-issue, the Range Sergeant shall review that ammunition for approval.

Officers may not deploy a second firearm until they have successfully demonstrated proficiency with the weapon and all related duty equipment. This demonstration includes satisfactory manipulation of the weapon, the holster, field stripping, cleaning, and qualification on a standard qualification course-of-fire. The officer will successfully qualify with the weapon prior to it being carried and thereafter once every year.

#### **312.2.3 AUTHORIZED OFF-DUTY FIREARM**

The carrying of firearms by sworn officers while off-duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who choose to carry a firearm while off-duty will be required to meet the following guidelines:

- (a) The weapon shall be of good quality and workmanship and may be of a caliber less than 9mm although not recommended. Under no circumstances shall an officer carry a weapon that fires a rim-fired cartridge. The Range Sergeant will approve these weapons.
- (b) The purchase of the weapon and ammunition shall be the responsibility of the officer. If the ammunition is of the same caliber used by the Department, the Range Sergeant or his/her designee will issue the officer department ammunition. If the ammunition caliber is not available from the department inventory, the ammunition obtained by the officer will be of the same high quality as the department-issued ammunition, and is subject to approval by the Range Sergeant.
- (c) The weapon 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.
- (d) It will be the responsibility of the officer to submit the weapon and ammunition to the Range Sergeant for inspection prior to being carried off-duty. The Range Sergeant shall ensure that the officer is proficient in handling and firing that weapon and it will be carried in a safe manner. The weapon shall be subject to inspection whenever deemed necessary. The officer will successfully qualify with the weapon prior to it being carried and thereafter once every year.
- (e) A complete description of the weapon(s) shall be contained on the qualification record approved by the Range Sergeant.
- (f) If any member desires to own more than one weapon utilized while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each weapon used.
- (g) When armed, whether on or off-duty, officers shall carry their badge and department identification.

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#### **312.2.4 AMMUNITION**

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during range qualification periodically, but at least every two years. Officers 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 section at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Range Sergeant or his/her designee when needed in accordance with established policy.

#### **312.2.5 ALCOHOL & DRUGS**

Any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment shall not carry weapons.

#### **312.2.6 LASER SIGHTS**

Laser sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Range Sergeant.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

All officers desiring to carry and use laser sights on or off-duty, shall attend and satisfactorily complete an instruction and qualification course conducted by the Firearms Training Unit. The officers will also demonstrate ongoing proficiency with the laser and the weapon's iron sights at every range session. If an officer detects a misalignment of the laser system due to the dropping or a sudden jarring of the weapon, he or she will discontinue the use of the laser system until the Range Sergeant or his/her designee can examine the laser sight and weapon for accuracy.

#### **312.2.7 HOLSTERS**

On-duty holsters, for both uniform and plainclothes assignments, will be issued by the department. Officers may, at their own expense, purchase optional holsters. All holsters used by department personnel will adhere to the following requirements:

- (a) The Range Sergeant will determine if the holster is approved for duty use.
- (b) The brand name and model should be from a reputable holster manufacturing company.
- (c) The holster for all uniformed patrol may be of single, double, or triple retention. All holsters must be equipped with a thumb retention strap, without exception. In addition, the holster may be equipped with an internal retention device that requires some type of hand, finger or thumb manipulation to allow the drawing of the sidearm. For officers in plain-clothed assignments, the holsters may be equipped with a thumb snap and / or internal retention device that requires some type of hand, finger or thumb manipulation to allow the drawing of the sidearm. Common types of internal retention devices are

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trigger block / finger release technologies such as the Serpa® brand holsters. If the weapons is such that is carried with the hammer back and the safety activated as mentioned in Oxnard Police Department §312.2.2, that user must have a holster which has a thumb strap that completely blocks the rearward hammer from the weapon's striker, and the weapon is holstered with the weapon's thumb-safety activated.

- (d) If the holster is a swivel type holster, it must adhere to the following specifications:
  - 1. Ted Blocker brand only.
  - 2. Single or Double Retention
  - 3. Four or Six inch drop.
  - 4. Forward-only swivel (90-degrees). 180/360 degree swivel holsters are not allowed.
- (e) Officers in certain specialized assignments may use thigh holsters, as designated by the unit supervisor. Generally speaking, these holsters are used during tactical operations within the scope of the unit's duties.
- (f) The officer must demonstrate proficiency to the Range Sergeant's satisfaction in extracting and holstering the weapon in different body configurations, in non-stress and stressful simulations, and demonstrate the weapons-retention capabilities of the holster. At anytime the officer is showing difficulties performing weapons manipulations with an optionally purchased holster, the Range Sergeant or his/her designee can order the use of this holster immediately discontinued until the officer can demonstrate proficiency at a later range period. The officer will be allowed adequate practice time to allow proficiency. The Range Sergeant will notify the officer's supervisor if a particular holster's use has been disallowed, and when the officer has shown appropriate proficiency and re-use is approved. No officer shall perform police duties with a non-approved holster.

#### **312.2.8 POLICE CHIEF'S LETTER FOR WEAPONS**

There are three types of letters that may be obtained by officers to purchase firearms/magazines. The letters authorized, and the purpose for each, is set forth in this paragraph. An officer seeking a letter for weapons will obtain the letter from the Range Sergeant or his/her designee.

- (a) The first type of letter allows the gun dealer to provide the officer a sale/transfer of a firearm that any non-prohibited citizen may purchase, without having to wait the prerequisite state waiting period of 10 days (*Penal Code § 12072*).
- (b) The second type of letter allows the gun dealer to provide the officer a sale/transfer of a firearm and/or magazine that is not allowed to be obtained by the ordinary citizen due to the high-ammunition capacity of the weapon or the weapon's magazine [*Penal Code § 12020(b) (20)*]. The officer certifies to the Chief of Police that he is obtaining the weapon and/or magazine for law enforcement purposes and the dealer is able to make the sale/transfer without waiting the 10-day period.
- (c) The third type of letter allows the officer to obtain a Colt series rifle (defined in *Penal Code § 12276*). The officer certifies to the Chief of Police that this purchase is for law enforcement purposes. The letter must contain the endorsements of the officer's supervisor, the Range Sergeant, and the Special Operations Commander, that the officer has been approved, in accordance with Oxnard Police Department §432, for use of the patrol rifle for law enforcement duties. This letter allows the dealer to make a sale/transfer without waiting the 10-day waiting period.

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#### **312.3 SAFE HANDLING OF FIREARMS**

The intent of this policy is to promote proper firearm safety on and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

Officers will follow the four fundamentals of firearms safety when handling any weapon that they encounter:

- (a) Treat all firearms as if they are loaded. If an officer is unfamiliar with the weapon encountered, all attempts to obtain assistance in clearing the weapon will be made.
- (b) Keep your finger off of the trigger until you are prepared to shoot. This is especially important when tactically moving with the weapon deployed.
- (c) Be sure of your target and its backdrop. Officers shall use caution in the discharge of their firearms, taking into account the safety of bystanders.
- (d) Never allow your muzzle to cover anything that you are not willing to destroy.

#### **312.3.1 SAFETY CONSIDERATIONS**

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range Sergeant. Officers shall not dry fire or practice quick draws except under Range Staff supervision.
- (c) Any member who discharges his/her weapon negligently, accidentally or intentionally, on or off-duty, except during training or recreational use, shall follow the reporting requirements outlined in Oxnard Police Department §312.4.3. If discharged while off-duty, for example while cleaning the weapon, the officer shall ascertain that there was no one injured by the errant round. If an injury occurs, the officer will summon emergency medical assistance. The officer shall then contact the police agency where the discharge occurred, and advise of the weapon's discharge. This will alleviate the agency from sending a tactical police response. The officer will then contact the on-duty Oxnard Watch Commander and advise of the situation.
- (d) Officers shall not load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (e) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle using the available clearing barrels.
- (f) Officers 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 a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm. In the case of a jail alarm and necessary immediate response of police personnel to the jail emergency, weapons may be carried into the jail until the emergency has subsided.
- (g) Officers shall not use any automatic weapon, heavy caliber rifles, gas or other types of chemical weapon, except with approval of a supervisor.
- (h) Any weapon authorized by the Department to be carried on or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the Range Sergeant for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Range Sergeant, will be immediately removed from service. If the weapon is the officer's

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primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.

- (i) When an officer feels a need to draw his or her firearm to protect themselves or the public, officers should adhere to the following definitions/guidelines:
1. **Low Ready Position of Advantage**-In situations where the officer feels a need to draw his or her firearm, the firearm will be pointed forward at a downward angle toward the suspect. The trigger finger will be indexed and the muzzle will cover the ground directly in front of the suspect.
  2. **High Ready Position of Advantage**-In situations where the officer feels a need to draw his or her firearm, and has a reasonable belief that the use of deadly force may become necessary, the firearm will be pointed forward at a slight downward angle toward the suspect. The officer will look over the sights to scan threat areas such as the waistline and hands. The trigger finger will be indexed and the muzzle may cover some portion of the suspect.

#### 312.3.2 OFF-DUTY STORAGE OF FIREARMS

Officers shall ensure that department-issued firearms and department-issued ammunition are properly secured [REDACTED]

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution as defined in Penal Code §12035.

#### 312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify bi-monthly with their duty handgun, and semi-annually with other designated issued weapons as directed by the Range Sergeant, on an approved range course. The Range Sergeant shall keep accurate records of bi-monthly qualifications, repairs, maintenance, training or as directed by the Special Operations Commander. In addition to regular qualification schedules, the Range Sergeant shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding. This may occur during new patrol shift orientations. Weapons qualifications and range training events will be reported to the Personnel and Training Unit for inclusion into the Department's Training Management System.

In the event that an officer is issued a loaned or replacement handgun, he/she shall be required to complete a qualification course of fire supervised by a Range Staff member with that loaned or replacement handgun prior to returning to duty. If the loaned or replacement weapon is a firearm other than a duty handgun (e.g. shotgun, rifle, etc.), he/she shall be required to complete a qualification course of fire supervised by a Range Staff member with this replacement weapon before being allowed to deploy with it.

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#### **312.4.1 NON-QUALIFICATION**

If an officer is unable to qualify with his/her duty weapon after a second attempt, a Range Staff member will provide the officer with remedial instruction to assist the officer to qualify. If, after the third attempt, the officer is not able to qualify and the Range Staff member believes that additional attempts will be futile, the officer will have to schedule remedial training and another opportunity to qualify on a different day. This should be scheduled with the Range Staff member prior to leaving the range.

- (a) Officers that fail to qualify with their duty weapon before leaving a range will be temporarily restricted from field duties. In these instances, the Range Sergeant will notify the Watch Commander and the Special Operations Commander. The Watch Commander will make appropriate notifications and ensure the officer is restricted from field duty until the officer has successfully qualified with his/her handgun.
- (b) The Range Sergeant will make every effort to assist the officer in improving his/her shooting ability.
- (c) Officers will be given credit for range qualification after remedial training and a qualifying score is obtained.
- (d) If the officer failed to qualify, with other than their duty handgun, before leaving a range they are temporarily restricted from deploying that weapon for duty. In these instances, the Range Sergeant will notify the Watch Commander and the Special Operations Commander. The Watch Commander will make appropriate notifications and ensure the officer does not deploy with that weapon until the officer has successfully qualified.

#### **312.4.2 NON-ATTENDANCE**

It is each officer's responsibility to schedule his/her attendance for the qualification shoot. If an officer is unable to attend a qualification shoot prior to the end of the shooting period, he/she shall complete a timely memorandum to the Rangemaster and his/her supervisor explaining why he/she was unable to attend. A scheduling conflict that could have reasonably been avoided by the officer will not be considered a valid excuse.

- (a) Range is a mandatory function of this department. Officers must qualify with the department-issued or authorized optional weapon every shooting period. Failure to attend range without a valid excuse will result in progressive discipline as follows:
  1. First Occasion: The employee will receive an inspection report.
  2. Second Occasion Within a 12-month Period: The employee will receive a letter of reprimand.
  3. Subsequent Occurrences Within a 12-Month period: May result in progressive disciplinary action that may include a suspension without pay.
  4. Subsequent Occurrences: May result in progressive disciplinary action up to and including dismissal.
- (b) If an officer is unqualified due to non-attendance, and he or she has not qualified within a 6-month period, then officer shall be ineligible to carry the firearm for police duties until qualified. Exceptions may be granted only by the Chief of Police.

#### **312.4.3 DISCHARGE OF FIREARM; REPORTING REQUIREMENTS**

All firearm discharges by an officer, other than during range training, will be immediately reported verbally to an on-duty supervisor. The on-duty Watch Commander will direct that the appropriate reports be prepared.

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In any instance involving the discharge of a firearm by police personnel, not requiring formal investigation by detectives, a copy of a memorandum completed by the officer's supervisor will be forwarded to the Range Sergeant. For the purposes of this report, the categories of discharges are Intentional Discharges, Accidental Discharges, or Negligent Discharges. The definitions are as follows:

- (a) **Intentional**-The officer intentionally meant to fire his/her weapon for some purpose. This will be investigated by the officer's supervisor and/or chain-of-command.
- (b) **Accidental**-An accidental discharge is the discharge of a weapon through no fault of the officer. Normally a defect of the weapon would be a cause, or something other than the officer caused the weapon to discharge. This will be investigated by the Range Sergeant after an initial investigation by the on-duty supervisor.
- (c) **Negligent**-A negligent discharge is one where the officer was in some way negligent in the handling of the weapon resulting in its discharge. This will be investigated by the on-duty supervisor with follow-up by the Range Sergeant to determine training issues that could have prevented the firing of the weapon.

If the officer states that the discharge was "accidental," the Range Sergeant or his designee will conduct the investigation, the weapon will be removed from service immediately, and the weapon will be inspected by a certified armorer to determine the cause. If these inspection(s) show that there are no defects in the weapon, which caused the weapon to discharge, the discharge may be ruled a negligent discharge. If the Officer states it was a negligent discharge, the on-duty supervisor will conduct the investigation and the Range Sergeant will attempt to identify any training issues that could have prevented the weapon's firing. A memorandum will be submitted to the Chief of Police by the Range Sergeant detailing the incident and investigation conclusions for accidental or negligent discharges. If the discharge was negligent, the report may also outline any training issues that could be identified in the officer's actions leading up to the improper discharge. The department will evaluate the discharge for any further actions.

### **312.5 RANGE SERGEANT DUTIES**

The range will be under the exclusive control of the Range Sergeant or his/her designee. All members attending will follow the directions of the Range Sergeant. The Range Sergeant will maintain a roster of all officers attending the range and will submit the roster to the Personnel and Training Sergeant after each range date. Failure of any officer to sign in and out with the Range Sergeant may result in non-qualification.

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

The Range Sergeant has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of the Department to verify proper operation. The Range Sergeant has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Range Sergeant.

#### **312.5.1 RANGE SAFETY RULES**

Due to the increasing complexity of firearm training and increase in personnel, it is necessary to establish specific rules to ensure the safety of all personnel and to minimize the time spent by personnel at the range. All personnel must conform to the following rules. Failure to comply with these rules will be cause for ejection from the range and

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possible disciplinary action. Range attendance is a mandatory function and all pertinent rules and regulations apply.

- (a) All commands of the Rangemaster or Assistant Rangemaster will be followed.
- (b) Shooters will adhere to the safety rules and procedures of the host facility.
- (c) Shotguns and rifles will be carried in a fashion that promotes safe muzzle discipline.
- (d) No live ammunition will be present in gun cleaning areas.
- (e) Only authorized personnel are permitted on range facilities.
- (f) Shooters are expected to maintain focus and proper demeanor while at training.
- (g) Shooters are expected to immediately clear common weapon stoppages or malfunctions.
- (h) Any person on the range facility may call a "cease fire" for unsafe conditions.
- (i) Eye protection, hearing protection, and body armor are required on the range facility.
- (j) Shorts, open-toed footwear, high heels, and other non-suitable clothing are not permitted.
- (k) All injuries and work limitations shall be disclosed to the Rangemaster prior to training.
- (l) Weapons cleaning should generally be performed at the range after training has concluded.

#### **312.5.2 TRAINING SESSION SAFETY**

A cadre of personnel will be trained as "Safety Officers." Any time that a training session occurs that involves the use of a firearm, not at the range under the supervision of a Rangemaster, a Safety Officer will be present and oversee the training. This includes all firearms involved training sessions, even impromptu squad room sessions.

- (a) The Safety Officer will not be a participant in the training. Responsibilities will include, but not be limited to: weapons checks, marking of safe weapons with colored tape, safe use of simunition, prevention of unsafe escalation of physical contact, training site hazard mitigation, and prevention of loaded weapons into the training site.
- (b) Colored tape will be used to designate a weapon free of live ammunition. The tape will be placed across the breach of shouldered weapons or completely around the slide of automatic handguns if the weapon is unloaded. Weapons loaded with simunition or blank rounds will be marked with a length of tape placed lengthwise along the slide or barrel.
- (c) The Safety Officer will have authority to stop a training session that is being conducted in an unsafe manner. In lesser safety issues, the Safety Officer will make recommendations to the officer conducting the training. Safety Officers will use whistles or voice commands to stop all activity when an unsafe condition exists. All participating personnel will cease all activity upon hearing the whistle or voice command.
- (d) Safety remains the responsibility of every participant during a training session. The designation of a Safety Officer does not lessen that individual obligation.

#### **312.6 MAINTENANCE AND REPAIR**

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, periodic maintenance, and repair of such weapon.

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The periodic Department armorer's maintenance of department-owned weapons is the responsibility of the Range Staff. Officers receiving notification that their assigned weapons are to be serviced by an armorer shall comply with the directives of the Range Sergeant or his/her designee. Failure to comply with the turn in of weapons for maintenance may lead to progressive discipline.

#### **312.6.1 REPAIR OR MODIFICATIONS OF WEAPONS USED FOR DUTY**

A Range Staff member shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department-issued weapons not performed by the Range Staff must be approved in advance by the Range Sergeant and accomplished by a department-approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Range Sergeant.

The following modifications are allowed for duty weapons and optional weapons:

- (a) Handguns:
  - 1. After-market Grips (Installed by Department Range Staff member only)
  - 2. Laser System (Installed by Department Range Staff member only)
  - 3. Mounted light
  
- (b) Shotguns:
  - 1. Extended capacity magazine tube (6, 8 rounds)
  - 2. Sling
  - 3. Side Saddle
  - 4. Mounted Light
  - 5. Approved Sighting System
  
- (c) There will be no modifications to a department-issued patrol rifle without permission of the Range Sergeant.
  
- (d) Personally owned rifles:
  - 1. Slings
  - 2. Grips
  - 3. Fore grips
  - 4. Collapsible / fixed stocks
  - 5. Enhanced magazine-release / charging-handle levers
  - 6. Enhanced flash suppressors
  - 7. Personally owned-magazines (see Oxnard Police Department §432.8(d))
  - 8. Tactical lights
  - 9. Approved Laser System
  - 10. Approved Optics systems (see Oxnard Police Department §432.3.2)
  - 11. Barrel length no less than 16 inches and overall length of less than 30 inches (*Penal Code §12276.1*)

All modifications must be approved by the Range Sergeant. There will be no other modifications allowed to the weapons.

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#### **312.7 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 personnel 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 purposes.
- (b) Officers must carry their Department identification card which must contain a full-face picture, 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's license, passport).
- (c) The Oxnard Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Oxnard Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for 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 can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers 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.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **312.8 CARRYING FIREARMS OUT OF STATE**

Qualified active full-time officers and qualified retired officers (see Oxnard Police Department §220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (*18 United States Code 926B and C*):

- (a) The officer shall carry his/her Department identification card whenever carrying such weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

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- (e) 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.

Visiting active and retired peace officers from other states are subject to all requirements set forth in *18 United States Code 926B and C*.

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## Vehicle Pursuits

### 314.1 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 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.

#### 314.1.1 VEHICLE PURSUIT DEFINED

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

### 314.2 OFFICER RESPONSIBILITIES

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

#### 314.2.1 WHEN TO INITIATE A PURSUIT

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

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

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

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- (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 suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) 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 officer(s) 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(s) or with a ride-along in the police vehicle.

#### **314.2.2 WHEN TO TERMINATE A PURSUIT**

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in Policy Manual § 314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in Policy Manual § 314.2.1 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) [REDACTED]
- (e) There are hazards to uninvolved bystanders or motorists.

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(f) [REDACTED]

(g) Pursuit is terminated by a supervisor.

#### 314.2.3 SPEED LIMITS

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

[REDACTED]

#### 314.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles not including a supervisor or K-9 unit; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). 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.

##### 314.3.1 MOTORCYCLE OFFICERS

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

##### 314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

##### 314.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

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

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

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

#### **314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES**

The second officer in the pursuit is responsible for the following:

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

#### **314.3.5 PURSUIT DRIVING TACTICS**

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

- (a) Officers, considering his/her driving skills and vehicle performance capabilities, will space him/her from other involved vehicles such that he/she is able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspects.

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- (d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agencies if it appears that the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

#### **314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

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

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

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

#### **314.3.7 PURSUIT TRAILING**

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

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

#### **314.3.8 AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

#### **314.3.9 LAST AUTHORIZED UNIT RESPONSIBILITIES**

The last authorized unit in trail is responsible for advising the dispatcher if unauthorized unit/s join the pursuit.

#### **314.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

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

The field supervisor will be responsible for the following:

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

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- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing OPD units when a pursuit enters another jurisdiction.
- (j) Preparing a Pursuit Review memorandum for review by the Pursuit Review Committee.
- (k) Ensuring the required pursuit CHP 187 form is completed.

#### **314.4.1 WATCH COMMANDER RESPONSIBILITY**

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

#### **314.5 COMMUNICATIONS**

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

#### **314.5.1 COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, the Communications Center will:

- (a) Coordinate pursuit communications of the involved units and personnel;
- (b) Notify and coordinate with other involved or affected agencies as practical;
- (c) Ensure that a field supervisor is notified of the pursuit;
- (d) Assign an incident number and log all pursuit activities;
- (e) Broadcast pursuit updates as well as other pertinent information as necessary;
- (f) Notify the Watch Commander as soon as practical.
- (g) Direct unauthorized units to discontinue assistance unless additional units have been requested by the primary unit or the field supervisor.

#### **314.5.2 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

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#### **314.6 INTER-JURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

A county-wide pursuit protocol governs the response to vehicle pursuits that enter or leave the different jurisdictions within the county. The Ventura County Pursuit Protocol is located on the Department's intranet under Policy Manual section, which outlines the procedures and guidelines during these situations. The following are valuable excerpts pulled from the protocol. Officers shall read and become familiar with this protocol in its entirety.

##### **314.6.1 DEFINITIONS**

The following terminology shall be used to standardize terms relevant to vehicle pursuits:

- (a) **Take Over the Pursuit** - Assume operational control of the pursuit. The assisting agency shall dispatch unit(s) to take over for the requesting agency. Once in place, the requesting agency will disengage from the pursuit.
- (b) **Request to Assist** - A request for a secondary unit. Additional units may be requested given the circumstances of the pursuit.
- (c) **Disengage from the Pursuit** - Terminate code 3 driving and discontinue trailing the pursuit.
- (d) **Assist with the Arrest** - This will be a request for unit(s) to assist at the termination of the pursuit to safely affect the arrest of the suspect(s).
- (e) **No Assistance Needed** - This is a notification only that a pursuit is in an allied agency's jurisdiction and no additional assistance is needed nor required by the pursuing agency.
- (f) **Termination Point** - The location where the pursuit comes to a conclusion.

##### **314.6.2 JURISDICTION REQUESTS**

The pursuing unit(s) may request, through his/her watch commander or field supervisor, assistance from units of other jurisdictions if the pursuit enters another jurisdiction and any of the following conditions exist:

- (a) The pursuing agency's unit(s) become disabled and the pursuit would otherwise continue.
- (b) The pursuing agency is unfamiliar with the area of the pursuit to the degree that there is increased risk to continue the pursuit or the suspect is likely to escape.
- (c) The pursuit is likely to terminate in the allied agency's jurisdiction and insufficient units from the primary agency are available to safely arrest the suspect(s).

##### **314.6.3 PURSUITS EXTENDING INTO THIS JURISDICTION**

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

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

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

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

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

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

#### **314.6.4 INFORMATION EXCHANGE**

The requesting agency shall advise the assisting agency of all relevant information including:

- (a) The type of assistance requested, using the terminology defined above.
- (b) Vehicle/suspect description.
- (c) The reason(s) for the pursuit/want.
- (d) Information regarding officer safety/identity of suspect/weapons.
- (e) The behavior of the suspect(s) during the pursuit including any information known or suspected that would affect the need to continue/disengage from the pursuit.
- (f) Whether the requesting agency wishes to retain arrest authority over the suspect and the violations likely to be charged (should the assisting agency successfully stop the fleeing suspects(s)), or relinquishes all interest in the suspect.

#### **314.6.5 LEVELS OF ASSISTANCE**

The unit requesting assistance shall specify the level of assistance required as follows:

Request for another agency to take over the pursuit.

- (a) An agency may request, through their watch commander or field supervisor, that another agency assume operational control of the pursuit. If the assisting agency agrees to assume control of the pursuit, the assisting agency shall dispatch resources to take over for the requesting agency.
- (b) Upon the arrival of the first unit from the assisting agency, the requesting agency's primary unit shall become the secondary unit. Upon arrival of additional units from

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the assisting agency, the remaining requesting agency unit(s) shall disengage from the pursuit.

- (c) The agency assuming operational control of the pursuit shall exercise its own discretion regarding the need to continue or disengage from the pursuit. Should the requesting agency retain arrest authority, that agency shall send resources to the termination point and assume the responsibilities for the investigation of crimes committed while the original agency was in control of the pursuit.
- (d) In the event of disputes regarding responsibilities, a supervisor shall be dispatched, if available, or the respective watch commanders will coordinate enforcement actions.

Request for another agency to assist with the pursuit.

- (a) An agency may request another agency to provide units to assist with a pursuit. The request shall be clearly relayed to that agency. Mere notification of an ongoing pursuit shall not be construed as a request for assistance. Units assigned to assist another agency shall, upon taking position and notifying their own dispatch of their status, switch to the radio frequency of the controlling agency and assume the duties of a secondary unit. The watch commander or field supervisor of the assisting agency retains the discretion to withdraw any or all of its units at any time.

Request for another agency to assist with the arrest.

- (a) An agency may request assistance from another agency if it appears necessary to safely effect the arrest of the suspect(s) at the end of the pursuit. The requesting agency shall specify whether the units are needed to participate in the pursuit or respond to its termination point. They should also specify if a specific type of resource is requested (i.e. helicopter, K9, SWAT, etc.). The watch commander or field supervisor of each agency involved shall decide if more than two units are needed to participate in the actual pursuit.

Notification only: "No assistance needed"

- (a) If a pursuing agency enters another jurisdiction, the pursuing agency will notify the other jurisdiction. The pursuing agency will advise that it has units in pursuit through the city/jurisdiction, and specify that no assistance is needed.

#### **314.6.6 END OF PURSUIT PROCEDURE**

Responsibilities of the agency ending the pursuit ("the stopping agency").

- (a) Notify all involved agencies that the pursuit has ended, and provide its termination point.
- (b) Designate a supervisor to coordinate resources.

Responsibilities of other involved agencies.

- (a) The agency that initiated the pursuit shall ensure that the officer with probable cause (or that officer's supervisor) contacts a supervisor from the stopping agency at the end of the pursuit to provide information/assistance.
- (b) All agencies with information, witnesses, or criminal charges related to the pursuit shall contact the stopping agency.
- (c) All agencies involved in the pursuit shall provide reports as requested by the stopping agency (or booking agency, if different).

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Prisoner processing.

- (a) In the absence of any other agreement (e.g., Officer Involved Shooting Protocol), the suspect(s) from the pursuit shall be turned over to the custody of the agency which has the most significant charges.
- (b) Absent more significant charges by another agency, custody and booking of the suspect(s) shall default to the responsibility of the agency initiating the pursuit.
- (c) The agency assuming custody shall be responsible for processing, booking, and coordinating related reports.

Traffic collision investigations.

- (a) The investigation of traffic collisions resulting from the vehicle pursuit shall be the responsibility of the agency within the jurisdiction where the collision occurred.

#### **314.6.7 COMMUNICATION**

In the event that the pursuing jurisdiction requests an agency to assume responsibility for the pursuit, communication procedures for that agency shall apply.

- (a) The agency in operational control of the pursuit shall be responsible for relaying the progress and conditions of the pursuit. When disengaging from a pursuit, the agency with operational control shall make radio notification to all involved agencies and ensure that the agencies acknowledge the notification. In the event an agency needs assistance in another jurisdiction, until additional resources arrive, the assisting agency can also broadcast the pursuit to keep their agency informed of its progress and the conditions of the pursuit. Prior to transferring a pursuit to another agency's radio frequency, the communication center representative should make contact with the jurisdictional communications center in order to ensure adequate staffing and functionality of radio communication.
- (b) All multi-jurisdictional pursuits should use "clear text" terminology in order to ensure effective communication.

#### **314.6.8 AGENCY'S POLICY**

In the event that the pursuing jurisdiction requests an agency to assume responsibility for the pursuit or requests assistance, the agency assuming responsibility or providing assistance shall adhere to its own adopted vehicle pursuit policy.

- (a) Each involved agency will be individually responsible for conducting its own internal inquiry to evaluate its officer(s) conduct with respect to departmental policy.

#### **314.7 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, ramming, or barricading. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

##### **314.7.1 WHEN USE IS AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each

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tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

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

#### **314.7.2 DEFINITIONS**

**Barricading** - A technique designed to stop a violator's vehicles by placing obstacles in the path of the violator's vehicle.

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

**Spikes or Tack Strips** - A device that extends across the roadway designed to deflate the tires of the pursued vehicle.

#### **314.7.3 USE OF FIREARMS**

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

#### **314.7.4 INTERVENTION STANDARDS**

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by the use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle.

#### **314.7.5 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary 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 to contain and capture the suspects.

#### **314.8 REPORTING REQUIREMENTS**

The following reports should be completed to comply with appropriate local and state regulations:

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- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) Pursuant to Vehicle Code § 14602.1(b), the primary officer shall complete a CHP 187 form to be reviewed by a sergeant and turned in to the Traffic Unit. The CHP 187 form will then be sent to the CHP either electronically or on paper not later than 30 days after the pursuit.
- (c) A field supervisor shall complete a report summarizing the pursuit to evaluate the pursuit in terms of department policy. The memo shall contain, at a minimum, the following information and be directed to the Pursuit Review Commander:
  - 1. Date and time of pursuit.
  - 2. Length of time of pursuit.
  - 3. Involved units and officers.
  - 4. Initial reason for pursuit.
  - 5. Starting and termination points.
  - 6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
  - 7. Injuries and/or property damage.
  - 8. Medical treatment.
  - 9. Name of supervisor at scene.
  - 10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
- (d) All reports will be forwarded to Professional Standards Sergeant for the pursuit review committee.
  - 1. All pursuits will be reviewed by the Pursuit Review Committee.
  - 2. The committee will consist of one commander, the Traffic Sergeant, the Personnel and Training Sergeant, the Communications Manager, and a PSD III. Additional may be added at the discretion of the Administrative Services Bureau Chief.
  - 3. The committee will review the pursuit incident from two areas of concern:
    - (a) Was the pursuit justified?
    - (b) Did all dispatchers, officers and supervisors comply with the current pursuit policy?
  - 4. The committee will forward its findings to the Administrative Services Bureau Chief, which may include future training, commendation, or further inquiry.
  - 5. The committee will not make any discipline or personnel recommendations to the Professional Standards Commander.

#### **314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary POST training on pursuits required by Penal Code § 13519.8, all sworn employees of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. (Vehicle Code § 17004.7(d)).

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#### **314.8.2 POLICY REVIEW**

Each sworn employee of this department shall certify in writing that he/she has received, read, and understand this policy, the Ventura County Pursuit Protocol, and any subsequent amendments.

#### **314.9 APPLICATION OF VEHICLE PURSUIT POLICY**

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

## Operation of Police Vessels

### **315.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the proper use and safe operation of department vessels. The goal of this policy is to provide a maximum level of safety for the public and personnel when operating department vessels.

The effect of this policy is limited to that of an administrative guide for decision making before the fact and as a standard for administrative judgment of the propriety of the action taken. It is not to be considered a standard for external judgment (civil or criminal litigation) of the propriety of an action taken. This is a matter of established law and also a process for courts and juries reviewing specific facts of a given incident. It is not the intent of the Oxnard Police Department that this document in anyway have the effect of replacing existing legal standards.

### **315.2 OPERATING LIMITATION**

Only authorized department personnel who have completed department approved training may operate department vessels. This limitation is inapplicable to situations involving exigent or life threatening situations.

#### **315.2.1 USE OF PERSONAL FLOTATION DEVICES**

- (a) Personnel working in a marine environment are exposed to circumstances which could result in falling overboard. Personal Flotation Devices (PFDs) provide flotation to help keep one's head above water, to help one to stay face up in the water and to increase one's chances for survival and rescue.
- (b) Personnel working in the marine environment and in such a position that there may be a threat of falling in the water are encouraged to don the PFD for safety. The only exception is when wearing or changing into a wet or dry diving suit or transporting injured persons who may be injured as a result of the donning of the PFD.
- (c) Donning the PFD is required anytime the vessel is underway by all personnel on the boat, including those persons who have been detained or have been placed under arrest. The operator and crew are responsible for ensuring any passenger is immediately briefed on the use of the PFD prior to getting underway. Under exigent circumstances the requirement to immediately don the PFD is suspended until reasonable to do so.

### **315.3 EMERGENCY VESSEL OPERATIONS**

#### **315.3.1 GUIDELINES**

Operators will operate the Department vessel in the same manner as a police vehicle as directed under the guidelines found in the department's vehicle policies, including, but not limited to, the Vehicle Pursuit policy.

#### **315.3.2 PROCEDURE**

Only department vessels equipped with an activated overhead blue light and sounding a siren as reasonably required will enter into an emergency response.

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#### **315.3.3 APPLICABLE REGULATIONS**

##### 652.5 Harbors and Navigation Code - Lights for Enforcement Vessels

- (a) The use of a distinctive blue light is reserved for law enforcement vessels and may be displayed during the day or night whenever the vessel may be engaged in direct law enforcement activities, where identification of a law enforcement vessel is desirable or where necessary for safety reasons.
- (b) That light shall be used in addition to prescribed lights and day signals required by law.
- (c) The display of such blue lights on vessels for other purposes is prohibited.
- (d) Any vessel approaching, overtaking, being approached, or being over taken by a moving law enforcement vessel operating with a siren or an illuminated blue light, or any vessel approaching a stationary law enforcement vessel displaying an illuminated blue light, shall immediately slow to a speed sufficient to maintain steerage only, shall alter its course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel, and shall proceed, unless otherwise directed by the operator of the law enforcement vessel, at the reduced speed until beyond the area of operation of the law enforcement vessel.

##### 663 Harbors and Navigations Code

- (a) Every peace officer shall have the authority to stop and board any vessel subject to this chapter, where the peace officer has probable cause to believe that a violation of state law or regulations or local ordinance exists.

##### 663.6 Harbors and Navigation Code

- (a) Every vessel if ordered to stop and lie to by a peace officer who is either in uniform or in a vessel that is distinctly marked as belonging to the law enforcement agency, shall stop immediately and lie to, or shall maneuver in such a way to permit the law enforcement vessel to come alongside.

#### **315.3.4 VESSEL PURSUITS**

All department personnel operating a department vessel during a vessel pursuit will:

- (a) Utilize a "slow speed pursuit" whenever possible.
- (b) Continually monitor the wake of the Department vessel, and reduce the speed of pursuit, if required, to lower the height of the wake to a level which will prevent injuries to any person, and damage to any property.

#### **315.3.5 PROPELLER PRECAUTIONS**

When in pursuit of a suspect vessel, operators will remain conscious of the possibility of an attempt by the suspect vessel to disable the Department vessel. The suspect vessel may "troll" lines or other objects in an effort to "foul" the propellers of department vessels. The safe distance away from the suspect vessel should be continuously evaluated.

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## Emergency Operation of Police Vehicles

### 316.1 PURPOSE AND SCOPE

The primary concern of officers engaged in accomplishing the police mission is to safeguard the well-being of the general public, to minimize their own exposure to unnecessary hazard, and to secure the apprehension of violators. To provide a maximum level of safety for officers and the public in the operation of police vehicles, the guidelines contained herein are established.

### 316.2 EMERGENCY LIGHTS & SIREN

Whether the officer is responding to an emergency call or pursuing an actual or suspected violator of the law, the siren must be sounded as reasonably necessary in a manner which will give ample warning and a steady burning red light must be displayed before the officer or the City has the benefit of exemption awarded emergency vehicles under existing laws. Temporary use of emergency lights in order to violate traffic control devices is prohibited.

#### 316.2.1 AMBER LIGHTS

The momentary use of amber lights only to pass through a red signal light, exceed the posted speed limit or otherwise violate the Vehicle Code is prohibited.

#### 316.2.2 RED LIGHTS

Other than operating under Code 3, the steady burning red warning light (and auxiliary blue and flashing emergency lights) shall be displayed only when necessary for effecting vehicle or pedestrian stops or when the police vehicle is being used to protect the scene of an incident or situation where an extreme hazard exists. An extremely hazardous situation may be described as, but not limited to, when the roadway is blocked by:

- (a) A traffic collision.
- (b) A disabled vehicle.
- (c) A traffic stop.
- (d) Any incident that requires the roadway to be blocked.
- (e) Any situation when, in the officer's judgment, an extreme hazard exists.

### 316.3 INITIATING CODE THREE RESPONSE

Officers will not routinely authorize their own Code 3 responses. All existing factors, such as traffic conditions and weather, should be considered. Anytime an officer operates a vehicle under Code 3 conditions, Communications must be notified of this fact. Once the decision is made to initiate a vehicle pursuit, the Field Supervisor shall exercise supervisory control of the pursuit.

### 316.4 CODE 3 OPERATION

Officers will comply with applicable provisions of the California Vehicle Code while operating under Code 3 conditions. Officers shall not subject themselves or other persons to unnecessary hazards while operating a police vehicle in a Code 3 situation. Officers shall not operate a police vehicle at speeds that would be considered extreme for prevailing

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conditions. Reserve officers who have not completed an emergency operations course shall not operate Code 3 or in other hazardous operating conditions.

#### **316.5 CODE 3 OPERATION-COMMUNICATIONS PERSONNEL**

Whenever a police vehicle is in Code 3 operation, the duty Communications Operator shall alert field units and the Field Supervisor/Watch Commander of this situation.

#### **316.6 WATCH COMMANDER/FIELD SUPERVISOR RESPONSIBILITY**

The Field Supervisor/Watch Commander shall monitor all situations where officers are operating police vehicles in a Code 3 condition.

#### **316.7 CODE-3 RESPONSE**

The red warning lights and siren shall only be used when a vehicle is being driven in response to an emergency call.

The term "emergency call," or the Computer-Aided Dispatch (CAD) call-type equivalent of "Priority 1-plus," cannot be defined with exactness. These calls are generally life-threatening in nature and will be dispatched Code 3. When Fire & EMS respond Code 3 to an injury traffic collision, Communications will also dispatch one police unit Code 3. All other Priority 1-plus calls will be handled by a two-unit Code 3 response.

The Watch Commander may authorize additional units Code 3 if the situation so dictates. Conversely, the Watch Commander may cancel a Code 3 response to a Priority 1-plus call if extenuating circumstances exist.

It is reasonable to conclude the following types of calls are of an emergency nature and justify a Code 3 response:

- (a) Injury traffic collision.
- (b) Serious bodily assault in progress.
- (c) Violent crime in progress.
- (d) Serious assault is imminent.
- (e) Seriously injured victim.
- (f) Request for backup expedite by a police officer, firefighter or Emergency Medical Services (EMS) personnel.
- (g) Report of a police officer, firefighter or EMS personnel injured or down.
- (h) Other critical calls for service that includes extenuating circumstances where a life may be in danger.
- (i) When in the immediate pursuit of an actual or suspected violator of the law.
- (j) Administrative or station assignments, i.e. parade, escort, testing equipment, etc.

#### **316.8 OFFICER ASSISTANCE/HELP CALLS**

In the past, there were a variety of ways in which officers requested assistance. This lack of standardized nomenclature resulted in confusion, wasted air time and an inappropriately slow or fast response to a critical or routine event. Therefore, backup shall be requested in one of the following manners:

- (a) **"11-98..."** - (e.g. "Have one 11-98 for a search")
- (b) **"Dispatch..."** - ("Dispatch an additional unit")

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- (c) **Expedite Backup** - In need of immediate assistance. This will result in an automatic two-unit Code 3 response.
- (d) **Code 999** - Officer needs help, "life threatening." Multiple Code 3 responses; will likely involve response from adjoining agencies.

#### **316.9 EMERGENCY ALERT BUTTON**

The emergency alert tone is to be activated in the event that a unit is in a dire situation and needs assistance and is unable to communicate. The use of this feature should be reserved for only such situations. It is not intended to replace verbal communications such as "backup expedite."

The emergency alert tone is the orange button on the Motorola HT1250 portable radio. Pressing the button will activate an audible tone on Band 1 and the officer's name will be displayed on consoles in the Communications Center. Since the portable radios do not have GPS or location capabilities, additional resources will be sent to the officer's last known location. If the officer shows on CAD as being 10-8, units will be sent to the AVL location of the officer's police vehicle or the last known location of the officer.

When the emergency alert tone is activated, the Band 1 dispatcher will initiate a 10-33 on Band 1. Two units and a sergeant will be sent Code 3 to the officer's last known location. The Communication Center will notify the Watch Commander.

If the emergency alert tone button is accidentally pressed, the officer may stop the emergency tone by depressing the transmit (mic) key on his/her portable radio. In any event, the officer shall advise of the reason for activating the alert.

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## Off-Road Operation of Police Vehicles

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and safe driving of department off-road vehicles. The goal of this policy is to provide a maximum level of safety for the public in off-road driving situations.

The effect of this policy is limited to that of an administrative guide for decision-making before the fact and as a standard for administrative judgment of the propriety of the action taken. It is not to be considered a standard for external judgment (civil or criminal litigation) of the propriety of an action taken. This is a matter of established law and also a process for courts and juries reviewing specific facts of a given incident. It is not the intent of the Oxnard Police Department that this document in any way have the effect of replacing existing legal standards.

### 317.2 OPERATING LIMITATION

Only authorized department personnel who have completed department-approved training through the Driver Awareness Unit may drive vehicles off-road. This limitation is inapplicable to situations involving exigent or life-threatening situations.

### 317.3 BEACH DRIVING

**Rationale.** All employees are reminded that vehicles are foreign to the beach environment. The public is not expecting vehicles on the beach. Drivers must therefore utilize extreme caution at all times while operating vehicles on the beach. Safety is of paramount importance in the operation of any vehicle on the beach.

**Designated Vehicles.** SUV's and trucks will not be used for routine patrol of the beach (unless authorized by the Field Services Bureau Chief for special events) and will only be used on the beach to respond to calls for service. All-terrain vehicles will be the only authorized motor vehicle used for routine beach patrol.

#### Driving Guidelines.

- (a) Officers shall use designated access points only, where they exist, when entering and exiting beaches except in exigent or life-threatening situations. Access points will be clearly marked with signs designating such routes.
- (b) Headlights shall be on at all times when driving on the beach.
- (c) Prior to entering the beach, the driver shall be responsible to ensure that the forward and backup alert systems on the vehicle, if so equipped, are operational and that the vehicle's 4-WD selector is in the 4-HIGH position for beach driving or 2-HIGH for use on the roadway.
- (d) The driver shall concentrate on driving safely, while the passenger officer should watch the water and area patrolled. If the driver is alone and must watch the water, the vehicle must be stopped to give full attention.
- (e) All driving on the beach should be at 10-mph or less, unless operating Code 3. In all instances the vehicle's speed should be limited to what will assure safety to the public and the driver.

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- (f) Drivers are discouraged from making right turns, as the potential for objects or person(s) being in blind spots is increased.
- (g) Drivers should stay as far away from beach goers as possible and stop a safe distance from people who will be crossing the vehicle's path.
- (h) Drivers should try to establish and maintain pathways that the public can identify and avoid.
- (i) Drivers should avoid driving up or down berms when possible. If it is absolutely necessary to drive over a berm, it is the responsibility of the driver to ensure there are no people or hazards in the path of the vehicle by visibly verifying.
- (j) Drivers are encouraged to periodically alert beach goers of the presence of the vehicle by short use of the siren or horn, or by clicking the microphone to the PA.
- (k) Drivers should avoid heavy soft sand areas.
- (l) If a vehicle gets stuck in the sand and it is possible it will be damaged by water, drivers should safely remove equipment from the vehicle and request the necessary resources to recover the vehicle. If a vehicle gets stuck and is not in danger of water or other immediate damage, drivers should take the necessary time to safely recover the vehicle.

#### **317.4 PARKING AND STOPPING**

The following shall apply to the parking and stopping of vehicles off-road and on the beach:

- (a) Never leave an unattended vehicle running. If a vehicle must be left unattended, the vehicle must be off with the emergency brake engaged.
- (b) Do not park parallel with the fall of a steep decline.
- (c) Prior to driving a vehicle which has stopped or been parked on the beach, the driver must visibly check around and under the vehicle for people or objects before driving away.

#### **317.5 TRANSPORTING PEOPLE AND EQUIPMENT**

Although it is not prohibited to transport passengers who are not employees of the department while driving off-road, it is discouraged. Driving off-road can be more difficult than driving on streets, and passengers may be a further distraction to the driver. It is recommended that passengers who are not employees of the department actively engaged in assisting the driver with safe vehicle operations not be taken off-road. If passengers and equipment are transported in the vehicle, the following will apply:

- (a) Do not transport anyone not safely restrained with a shoulder harness and seatbelt unless in an emergency situation that would require otherwise.
- (b) Equipment must be properly stored and secured before driving to ensure that it does not shift and cause a distraction or injury to the driver or passengers.

#### **317.6 CODE-3 RESPONSE ON THE BEACH**

Even though Code 3 means "red lights and siren," the siren is most often ineffective and disruptive to beachgoers as well as the vehicle operator. Heavily populated areas can be cleared with a public address or a short blast of the siren.

- (a) Never expect anyone to get out of the way. People are not accustomed to vehicles driving Code 3 on the beach and may not heed the warning.

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- (b) Use wide-open spots to drive faster, and drive as far away from people as possible. Slow down before reaching a crowded area, warning them with a simple public address as above.
- (c) Drivers may have to drive just as slowly as on a routine call. Nothing is so urgent that safe driving practices should not be followed. The vehicle must not be driven faster than is safe.

#### **317.7 OTHER OFF-ROAD DRIVING**

Drivers shall use extreme caution when driving off-road and shall not operate a vehicle at speeds unsafe for the conditions present. Drivers shall not operate vehicles in conditions that have not been sufficiently covered through department training.

## **K-9 Program**

### **318.1 PURPOSE AND SCOPE**

The K-9 Program was established to augment police services to the community. Highly skilled and trained teams of handlers and K-9's have evolved from the program and are used to supplement police operations to locate individuals, contraband, and to apprehend criminal offenders.

### **318.2 GUIDELINES FOR THE USE OF K-9'S**

A K-9 may be used to locate and apprehend a suspect if the K-9 handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a K-9 reasonably appears to be necessary to overcome such resistance.
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the K-9 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. In any such case, a standard of objective reasonableness shall be used to review the decision to use a K-9 in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a K-9 to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the use of the K-9 should be discontinued and the K-9 should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

#### **318.2.1 PREPARATION FOR UTILIZING A K-9**

Prior to the use of a K-9 to search for or apprehend any individual, the K-9 handler and/or the supervisor on scene shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to the following:

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the K-9 is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the K-9 is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the K-9 is not utilized.

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As circumstances permit, the K-9 handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

A K-9 handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a K-9 is technically feasible. Generally, the decision whether to deploy the K-9 shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the K-9.

**Exception:** The K-9 may be deployed in any situation as ordered by the Chief of Police, Assistant Chief, or Watch Commander.

#### **318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A K-9**

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a K-9 will be released and the person may be bit if he/she does not come forth shall be made prior to releasing a K-9. The K-9 handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the K-9. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

#### **318.2.3 USE OF NARCOTIC-DETECTION K-9'S**

A narcotic-detection-trained K-9 may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection K-9 in support of probable cause.
- (c) To search vehicles, buildings, bags, and any other articles deemed necessary.

A narcotic-detection K-9 will not be used to search a person for narcotics.

#### **318.2.4 REPORTING USE OF A K-9**

The K-9 handler is responsible for completing a K-9 Use Report whenever the K-9 is deployed in any manner to assist in an arrest, article search where evidence is located, narcotic search resulting in the seizure of narcotics, or incidents with notable conclusions involving the K-9. The handler will forward copies of the report to the appropriate persons listed on the bottom of the report, to include the Field Services Bureau Chief and K-9 Staff (Commander, Sergeant, and Coordinator).

- (a) Additional reports may be necessary to record the use of the police service dog or other involvement by a K-9 handler. Handlers are responsible for completing reports as required per department policies.
- (b) The K-9 handler will use the Monthly Activity/Deployment Log, or other pre-designated form, to record other searches, assists, public relations demonstrations, and situations where the presence of the police service dog has served as a means to de-escalate an ongoing police problem or as a deterrent to activity likely to cause further police problems upon the arrival of the K-9 team.

#### **318.2.5 REPORTING K-9 BITES OR INJURIES**

If a bite or injury results from a police K-9, whether the use was intentional or unintentional/accidental, to include grabs or pinches by the dog, that information shall be

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documented on a K-9 Use Report form and included in the police narrative/supplemental report (whether on-duty or off-duty). The report should include, at a minimum, the following:

- (a) The incident will be immediately reported to the Watch Commander and K-9 Sergeant.
- (b) In all cases of bites or injury resulting from a police K-9, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs will be labeled "K-9 Incident - Do Not Destroy," and booked into evidence. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered.
- (c) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.
- (d) If a subject refuses to allow a handler or officer to view and photograph the affected area/s, another officer should be called to serve as a witness when the subject is again asked and refuses. If possible, the refusal shall be tape-recorded.
- (e) The K-9 Unit Coordinator will maintain liaison with the Animal Control Department to ensure that information regarding canine bites is not retained by their office. K-9's used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department (*Food and Agriculture Code § 31609(b)*).

#### **318.2.6 REPORTING K-9 INJURIES**

In the event that a K-9 is injured, the injury will be immediately reported to the Watch Commander, K-9 Sergeant, and K-9 Coordinator.

Depending on the severity of the injury, the K-9 shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on a memorandum and submitted to the Special Operations Commander, K-9 Sergeant, and K-9 Coordinator.

#### **318.2.7 ASSIGNMENT OF K-9'S**

The K-9 teams shall be assigned to the Field Services Bureau to supplement and assist the Patrol Division.

K-9 teams should function primarily as cover units; however, they may be assigned by the Watch Commander to other functions based on the needs of the watch at the time.

K-9 teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Watch Commander.

#### **318.3 REQUEST FOR USE OF K-9 TEAMS**

Personnel within the Department are encouraged to freely solicit the use of the K-9's. Requests for a K-9 team from outside of the Field Services Bureau shall go through the K-9 Sergeant or Special Operations Commander.

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#### **318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The Watch Commander or the K-9 Sergeant must approve all requests for K-9 assistance from outside agencies, subject to the following provisions:

- (a) K-9 teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the K-9 should be used for any specific assignment.
- (c) K-9 teams shall not be called out while off-duty or used outside the boundaries of the City of Oxnard unless authorized by the Watch Commander or the K-9 Sergeant.
- (d) It shall be the responsibility of the K-9 handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

#### **318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS**

All public requests for a K-9 team shall be approved by the K-9 Sergeant prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the K-9 Sergeant.

#### **318.4 SELECTION OF K-9 HANDLERS**

The selection process for the assignment of K-9 handler shall be conducted in accordance with Oxnard Police Department §1003. Additional qualifications for the assignment of K-9 handler are as follows:

- (a) Reside in an adequately fenced, single-family residence (minimum six-foot high fence with locking gates).
- (b) Have a garage which can be secured and accommodate a K-9 unit.
- (c) Live within 30 minutes travel time from the Oxnard City limits.
- (d) Agree to be assigned to the position for a minimum of four (4) years.

Exceptions must have written approval of the Special Operations Commander and K-9 Sergeant.

#### **318.5 K-9 HANDLER RESPONSIBILITIES**

##### **318.5.1 AVAILABILITY**

The handler shall be available for call-out under conditions specified by the K-9 Sergeant.

##### **318.5.2 CARE FOR THE K-9 AND EQUIPMENT**

The handler shall ensure that the K-9 receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- (a) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the K-9 unit in a garage, secured from public view.
- (b) When a handler takes a vacation or extended number of days off, the K-9 unit shall be maintained at the Police Department facility and all narcotic training aids shall be secured in property.

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- (c) Handlers shall permit the K-9 Sergeant to conduct spontaneous on-site inspections of affected areas of their residence as well as the K-9 unit to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler which may affect the lodging or environment of the K-9 shall be reported to the K-9 Sergeant as soon as possible.
- (e) When off-duty, K-9's shall be maintained in kennels, provided by the City, at the homes of their handlers. When a K-9 is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, K-9's may be let out of their kennels while under the direct control of their handlers.
- (f) The K-9 should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (g) Under no circumstances will the K-9 be lodged at another location unless approved by the K-9 Sergeant or Special Operations Commander.
- (h) When off-duty, handlers shall not involve their K-9's in any activity or conduct unless approved in advance by the K-9 Sergeant or Special Operations Commander.
- (i) Whenever a K-9 handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the K-9. In those situations, the handler shall give reasonable notice to the K-9 Sergeant so that appropriate arrangements can be made.
- (j) When the Police Service Dog is no longer able to perform its function, the handler may elect to purchase the dog at a sum agreeable to the Oxnard Police Department, Oxnard Community K-9 Foundation, and the handler per the "Retired Police Service Dog Agreement."
- (k) When a K-9 handler leaves the unit and the Police Service Dog is still able to perform its function, the City may elect to sell the dog to the handler. Representatives from the Police Department and the Oxnard Community K-9 Foundation will meet to discuss the sale with the handler and will base the sale price on the fair market value of the dog. The sale of the dog will be completed per the "Retired Police Service Dog Agreement."

#### **318.5.3 K-9 IN PUBLIC AREAS**

All K-9's shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) K-9's shall not be left unattended in any area to which the public may have access.
- (b) When the K-9 unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended unit remains inhabitable for the K-9.

#### **318.5.4 HANDLER COMPENSATION**

The K-9 handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Memorandum of Understanding.

#### **318.6 MEDICAL CARE OF THE K-9**

All medical attention shall be rendered by the designated K-9 veterinarian, except during an emergency as provided in Oxnard Police Department § 318.62.

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#### **318.6.1 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated through the K-9 Sergeant.

Any indication that a K-9 is not in good physical condition shall be reported to the K-9 Sergeant and Special Operations Commander as soon as practical.

All records of medical treatment shall be maintained in the K-9 handler's training file.

#### **318.6.2 EMERGENCY MEDICAL CARE**

The designated emergency medical treatment center or K-9 veterinarian shall render emergency medical treatment. The handler shall notify the K-9 Sergeant as soon as practical when emergency medical care is required.

#### **318.7 TRAINING**

Before assignment in the field, each K-9 team shall be trained and certified to meet current POST standards. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the National Police Canine Association (NPCA) or other recognized and approved certification standards.

The K-9 Unit Coordinator shall be responsible for scheduling bi-annual training for all patrol personnel in order to familiarize them with how to conduct themselves in the presence of department K-9's.

##### **318.7.1 CONTINUED TRAINING**

Each K-9 team shall thereafter be recertified to current POST standards and the National Police Canine Association (NPCA) or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) K-9 teams shall receive training as defined in the current contract with the Department's K-9 training provider.
- (b) K-9 handlers are encouraged to engage in additional training with approval of the K-9 Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Oxnard Police Department.
- (d) All K-9 training shall be conducted while on-duty unless otherwise approved by the K-9 Sergeant or Special Operations Commander.

##### **318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING**

Any dog team failing POST K-9 certification and, if cross-trained, the National Police Canine Association (NPCA) or other recognized and approved certification standards shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the K-9 handler shall be temporarily reassigned to regular patrol duties.

##### **318.7.3 TRAINING RECORDS**

All K-9 training records shall be maintained in the K-9 handler's training file.

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#### **318.8 CHAIN OF COMMAND AND RESPONSIBILITIES**

The K-9 Unit has been organizationally assigned under the command of the Field Services Bureau Assistant Chief.

- (a) The K-9 Unit is administratively directed by the K-9 Staff, consisting of the Special Operations Commander (herein referred to as "K-9 Commander") and coordinated by the designated K-9 Sergeant and K-9 Coordinator.
- (b) Operationally, the K-9 teams are under the direct control of the on-duty Watch Commander.
- (c) The K-9 Sergeant shall be appointed by the Field Services Bureau Assistant Chief and K-9 Commander and shall supervise the K-9 Unit. The K-9 Sergeant shall be responsible for, but not limited to, the following:
  - 1. Maintaining liaison with the vendor kennel and training provider.
  - 2. Maintaining liaison with administrative staff and functional supervisors(s).
  - 3. Maintaining liaison with other agency K-9 coordinators.
  - 4. Maintaining accurate records to document police service dog activities and training.
  - 5. Recommending and overseeing the procurement of needed equipment and services for the unit.
  - 6. Scheduling all K-9 related activities.
  - 7. Scheduling K-9 teams for patrol deployment.
  - 8. Ensuring the K-9 teams are scheduled for continuous training to maximize the capabilities of the teams.
- (d) The Senior Police Officer (POIII) assigned to the K-9 Unit as the K-9 Coordinator will be assigned by the Field Services Bureau Assistant Chief, K-9 Commander, and K-9 Sergeant. The K-9 Coordinator shall be responsible for, but not limited to, the following:
  - 1. Handling a police service dog and assuming those same related responsibilities as (POII) K-9 handlers.
  - 2. Maintaining training records and police service dog files.
  - 3. Compiling monthly statistics and annual report.
  - 4. Maintaining equipment.
  - 5. Coordinating weekly and monthly training sessions.
  - 6. Maintaining liaison with the Oxnard Community K-9 Foundation.

#### **318.9 CONTROLLED SUBSTANCE TRAINING AIDS**

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

*Health & Safety Code § 11367.5* provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

- (a) To any duly authorized peace officer or civilian drug detection K-9 trainer working under the direction of a law enforcement agency.

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- (b) Provided the controlled substances are no longer needed as criminal evidence.
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing K-9 drug detection training

#### **318.9.1 PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All necessary controlled substance training samples shall be acquired from the Oxnard Police Department's evidence personnel or from allied agencies authorized by *Health & Safety Code § 11367.5* to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual K-9 handler.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person receiving controlled substance training samples pursuant to *Health & Safety Code § 11367.5* shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the K-9 Sergeant with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked boxes at all times, except during training. [REDACTED] There are no exceptions to this procedure.
- (f) The K-9 Sergeant shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property Unit or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency. Any lost or destroyed narcotic training aids shall immediately documented on the appropriate department report and forwarded to the Special Operations Commander, K-9 Sergeant, and K-9 Coordinator.

#### **318.9.2 IMMUNITY**

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the *Uniform Controlled Substance Act* while providing substance abuse training or canine drug detection training (*Health & Safety Code § 11367.5(b)*).

## Domestic Violence

### 320.1 PURPOSE AND SCOPE

Domestic violence is alleged criminal conduct and it is the policy of the Oxnard Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders and those who violate protective orders if there is probable cause to believe an offense has occurred.

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 determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

- (a) The intent of the law to protect victims of domestic violence from continuing abuse.
- (b) The threats creating fear of physical injury.
- (c) The history of domestic violence between the persons involved.
- (d) Whether either person acted in self-defense.

#### 320.1.1 DEFINITIONS

The Oxnard Police Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Commission on Peace Officer Standards and Training. The following definitions are provided by Penal Code § 13700:

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

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

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

- (a) Sexual relations between the parties while sharing the same living quarters.
- (b) Sharing of income or expenses.
- (c) Joint use or ownership of property.
- (d) Whether the parties hold themselves out as husband and wife.
- (e) The continuity of the relationship.
- (f) The length of the relationship.

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

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Officer - Any law enforcement officer employed by a local police department or sheriff's department, consistent with Penal Code § 830.1.

Victim - A person who is a victim of domestic violence.

Dating Relationship - Frequent, intimate associations primarily characterized by the expectation of affectionate or sexual involvement independent of financial considerations (per Penal Code § 243(f)(10)).

Traumatic Condition - A condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by a physical force.

Domestic Disturbance - An argument or disagreement between parties who have or had (domestic) relationships or between persons in a dating relationship (including same sex relationships), which does not involve violence, threats of violence, or court order violations. (*Definition taken from Ventura County Domestic Violence Investigation Protocol*)

### **320.2 OFFICER SAFETY**

The investigation of domestic violence cases places officers in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers and parties involved.

### **320.3 ENFORCEMENT OF DOMESTIC VIOLENCE**

It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors shall not be used to avoid making an arrest:

- (a) Marital status of suspect and victim.
- (b) Whether or not the suspect lives on the premises with the victim.
- (c) Existence or lack of temporary restraining order.
- (d) Potential financial consequences of arrest.
- (e) Complainant's history or prior complaints.
- (f) Verbal assurances that violence will cease.
- (g) Complainant's emotional state.
- (h) Non-visible injuries.
- (i) Location of the incident (public/private).
- (j) Victim does not want to prosecute or make private person's arrest.
- (k) Speculation that complainant may not follow through with the prosecution.
- (l) The case may not result in a conviction.

Officers shall not advise domestic violence victims that they can "press" or "drop" charges. Both the victim and the suspect should be advised that once a domestic violence crime report is generated, he/she has no control over the decision to prosecute. The decision of whether or not to prosecute is made by the District Attorney's Office.

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#### **320.3.1 FELONY ARRESTS**

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

Once the officer has finished the initial investigation, if probable cause exists to arrest the offender and the officer is unable to locate the suspect, the officer shall complete a PC Want and PC Declaration as soon as practical.

#### **320.3.2 MISDEMEANOR ARRESTS**

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

- (a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:
  - 1. A current or former spouse.
  - 2. A current or former cohabitant (Family Code § 6209 definition).
  - 3. A fiancé or fiancée.
  - 4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship.
  - 5. A person with whom the suspect has parented a child.
  - 6. A child of the suspect or a child of one of the above listed categories.
  - 7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.
- (b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):
  - 1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
  - 2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
- (c) Once the officer has finished the initial investigation, if probable cause exists to arrest the offender and the officer is unable to locate the suspect by the end of his/her shift, the officer shall complete an Arrest Declaration and submit it to the Records Division before the end of the shift. The Records Division shall complete a court packet, which will be submitted to the Ventura County District Attorney's Office for review.

#### **320.3.3 FIELD RELEASE**

A field release may not be used and a physical arrest shall be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6).

- (a) Any of the following may support the likelihood of a continuing offense:
  - 1. Whether the suspect has a prior history of arrests or citations involving domestic violence.
  - 2. Whether the suspect is violating a Stay Away Order issued by a criminal court.

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3. Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order.
  4. Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
  5. Statements from the victim that the suspect has a history of physical abuse toward the victim.
  6. Statements from the victim expressing fear of retaliation or further violence should the suspect be released.
- (b) Officers shall not cite and release for the following offenses (Penal Code § 853.6(a)(3)):
1. Penal Code § 243(e)(1).
  2. Penal Code § 273.5.
  3. Penal Code § 273.6 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.
  5. Other offenses specified in Penal Code § 1270.1, such as serious or violent felonies.

#### **320.3.4 PRIVATE PERSON'S ARREST**

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

#### **320.3.5 PROTECTIVE ORDER VIOLATIONS**

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code § 13701(b), an arrest shall be made. These court orders involve the following:

- (a) Prohibit threats, harassment or violence.
- (b) Excludes a party from a dwelling.
- (c) Prohibit other behaviors specified by the court.

These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together.

The court orders under Penal Code § 13701(b) may be captioned as follows:

- (a) Domestic Violence Protective Order.
- (b) Criminal Court Protective Order.
- (c) Emergency Protective Order (EPO).
- (d) Order to Show Cause and Temporary Restraining Order (TRO).
- (e) Order After Hearing.

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- (f) Restraining Order - Juvenile.
- (g) Judgment of Dissolution and Order.

Any officer determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.

#### **320.3.6 TENANCY ISSUES**

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

#### **320.4 COURT PROTECTIVE ORDERS**

Various types of restraining orders may be issued by various courts in domestic violence cases. All valid out-of-state and tribal court restraining and protective orders should be enforced. Penal Code § 13710 requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proofs of service which are in effect. This section also requires that these records be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders on file. It shall be the responsibility of the Records Division to maintain these records.

##### **320.4.1 VERIFICATION OF RESTRAINING ORDERS**

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

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

In the event the suspect is no longer at the scene, officers shall document the incident and complete an Arrest Warrant Declaration as listed in Policy Manual § 320.3.2..

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#### **320.4.2 ENFORCEMENT PROCEDURES**

An arrest shall be made when probable cause exists to believe that the subject of a qualifying restraining order has violated the order, regardless of whether the violation occurred in the presence of the officer when evidence of proof of service of the order exists (Penal Code § 836(c)).

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

- (a) The existence of the order and proof of service to the subject has been verified by the officer.
- (b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service to the subject.
- (c) The officer has verified the existence of the order and the order reflects that the subject was present in court when the order was made which removes the proof of service requirement.
- (d) The existence of the order has been verified and there is proof that an officer has previously informed the subject of its terms.

Any officer making a warrantless arrest for violation of a felony or misdemeanor domestic violence restraining order should evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. Any officer seeking to increase the amount of bail in such circumstances shall prepare a declaration in support of increased bail when there is reasonable cause to believe that the scheduled bail amount is insufficient to ensure an arrestee's appearance or to ensure the protection of the victim or family member of a victim of domestic violence (Penal Code § 1269c).

#### **320.4.3 PROOF OF SERVICE NOT VERIFIED**

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

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

If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement (Penal Code § 13730(c)). The Department copy of the restraining order shall be updated to reflect the information listed above.

#### **320.4.4 WHEN ORDERS ARE NOT VERIFIABLE**

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

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- (a) Write a report, give the police report number to the victim.
- (b) Inform the victim of how to can contact the appropriate detective or investigation unit for further action (Penal Code § 13730(c)).
- (c) Inform the victim of the right to make a private person's arrest for the appropriate violation.

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

#### **320.4.5 EMERGENCY PROTECTIVE ORDERS**

- (a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:
  - 1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
  - 2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
  - 3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
  - 4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.07 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
- (b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.
  - 1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).
  - 2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
  - 3. Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.
- (c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
  - 1. Physically or verbally contacting the victim or disturbing his/her peace.

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2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.
  3. Continuing a specified behavior as described in the order.
- (d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.
- (e) Officers should consider requesting an EPO if any of the following conditions exist:
1. The victim requests an EPO.
  2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim.
  3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists.

#### **320.4.6 COURT ORDERS**

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

#### **320.5 EVIDENCE**

The following guidelines should be considered by officers investigating domestic violence cases:

##### **320.5.1 RECORDING INJURIES AND STATEMENTS**

All visible injuries shall be photographed regardless of severity, and all victims shall receive proper medical care prior to being photographed, if needed or desired. If feasible, officers may make a video recording of the injuries and victim statements. Officers shall request that a victim complete and sign an Authorization for Release of Medical Records form.

Victims whose injuries are not visible at the time of the incident should be advised to contact the Investigative Services Bureau in the event the injuries later become visible. Victims and suspects shall be photographed to show lack of visible injuries whenever possible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

##### **320.5.2 AUDIOTAPING OF STATEMENTS**

Since it is not uncommon for domestic violence victims and witnesses to recant their original statements after the situation has calmed, it is important to get a detailed statement from all victims and witnesses that are present.

Domestic violence victims often disclose prior unreported incidents. Officers shall obtain detailed statements from the victims regarding prior unreported domestic violence cases.

After the officer has finished the initial investigation, if probable cause exists to arrest the offender, the officer shall complete a PC Want and PC Declaration as soon as practical.

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Officers shall activate their digital recorders upon arrival at the scene and audiotape all statements made by involved parties and witnesses in domestic violence-related investigations. The recorder shall remain activated until the officer leaves the location of the call. The recordings shall be placed into evidence and retained. The recording shall be listed in the property section of the report.

#### **320.6 VICTIM ASSISTANCE**

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

- (a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not.
- (b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the officer determines a need exists.
- (c) Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property.
- (d) Explain legal options available to the victim including the private person's arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
- (e) Advise the victim of available community resources and the State Victim Assistance Program. See Policy Manual § 320.6.1.

#### **320.6.1 WRITTEN NOTICE TO VICTIMS**

Penal Code § 13701 requires that victims of domestic violence be furnished written notice including the following information:

- (a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.
- (b) A statement that provides information about a shelter they may contact in the area.
- (c) A statement that provides information about other community services they may contact in the area.
- (d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint.
- (e) A statement that "For further information about the California Victim's Compensation Program, you may contact 1-800-777-9229."
- (f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:
  - 1. An order restraining the attacker from abusing the victim and other family members.
  - 2. An order directing the attacker to leave the household.
  - 3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
  - 4. An order awarding the victim or the other parent custody of or visitation with a minor child or children.
  - 5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.

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6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
  7. An order directing the defendant to make specified debt payments coming due while the order is in effect.
  8. An order directing that either or both parties participate in counseling.
- (g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.
- (h) In the case of an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, a Domestic Violence Information Pamphlet which shall include, but is not limited to, the following information:
1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers.
  2. A simple statement on the proper procedures for a victim to follow after a sexual assault.
  3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
  4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.
- (i) The card should also provide information relating to the rights and duties of tenants and landlords regarding lock changes, evictions and related matters that may assist victims with housing and safety concerns (Code of Civil Procedure § 1161.3, Civil Code § 1941.5 and Civil Code § 1941.6).

#### **320.6.2 DOMESTIC VIOLENCE SUPPORT**

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code § 1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code § 679.05).

The investigating officer must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource card would qualify.

- (a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.
- (b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.
- (c) The investigating officer should articulate in the report that the victim was advised of their right to a counselor and/or support person.

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#### **320.6.3 VICTIM ADVOCACY**

On all occasions that a victim of domestic violence requests a Domestic Violence Advocate, officers will contact Interface or the Coalition for Family Harmony.

#### **320.7 REPORTING OF DOMESTIC VIOLENCE**

A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form which includes information and notations specific to domestic violence incidents required by Penal Code § 13730(s).

Reporting officers shall provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence pamphlet provided to the victim. If the case number is not immediately available, an explanation shall be given about how the victim can obtain the information at a later time.

##### **320.7.1 RECORD-KEEPING RESPONSIBILITIES**

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

##### **320.7.2 DOMESTIC DISTURBANCES**

Domestic Disturbance is defined as an argument or disagreement between parties who have or had (domestic) relationships, or between persons in a dating relationship (including same sex relationships), which does not involve violence, threats of violence, or court order violations. (*Definition taken from Ventura County Domestic Violence Investigation Protocol*)

Domestic Disturbance Incident Reports (also referred to as "13700 Reports") are considered to be domestic violence-related calls and must be documented accordingly. Per Penal Code § 13730(c), such reports must contain the following:

- (a) A notation of whether the officer or officers who responded to the domestic violence call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance.
- (b) A notation of whether the officer or officers who responded to the domestic violence call determined if any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.
- (c) Additionally, the Domestic Disturbance Incident Report must indicate that that there was:
  1. No act of physical violence;
  2. No threats of physical violence; and
  3. No court order violations.
- (d) The Domestic Disturbance Incident Report Form is to be completed by the officer and submitted to the Records Division.

#### **320.8 FIREARMS**

Officers shall take into temporary custody any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search or other lawful search in a domestic violence

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incident and process it for safekeeping as authorized in Penal Code § 18250. In no event shall such a firearm or weapon be returned within less than 48 hours. If necessary, officers may also obtain a search warrant for firearms or other deadly weapons that are subject to seizure under Penal Code § 18250 (Penal Code § 1524(a)).

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt fully describing the weapon (including any serial number) and indicate the location where the weapon may be recovered along with any applicable time limit for recovery (Penal Code § 18255).

No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code § 646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect.

#### **320.8.1 RETURN OF FIREARMS**

- (a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code § 18265(b)).
- (b) If, however, any officer has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.
- (c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or upon timely application to the court for an extension within no more than 90 days (Penal Code § 18400(f)).
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865(c).
- (e) The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875(g)).

#### **320.9 DISPATCHER'S RESPONSIBILITIES**

This department considers calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Penal Code § 136.2, and restraining orders of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

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#### **320.9.1 PUBLIC ACCESS TO POLICY**

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

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# Warrant Services and Residential Searches

## 321.1 PURPOSE AND SCOPE

To establish a protocol for planning and serving search and arrest warrants, and for conducting probation/parole searches of residences.

## 321.2 BACKGROUND

Tactical operations are defined as the development and execution of any plan, including the service of search warrants and high risk warrants. These warrants may require the use of multiple resources to accomplish a specific mission while minimizing confrontation risk and preserving the safety of law enforcement personnel and the public. When planning a tactical operation, the paramount concern will always be for the safety of the public, law enforcement personnel, and to the greatest extent possible, the protection of property.

Primary reasons for having a tactical operation plan are:

- (a) Provide a permanent and retrievable record of all pertinent information regarding an operation.
- (b) Ensure against the inadvertent omission of necessary information.
- (c) Provide uniformity in operations plan preparation.
- (d) Provide an orderly, uniform, and comprehensive statement of all the important aspects of an operation.
- (e) Provide a strategy for both planned and unplanned occurrences.
- (f) Ensure the availability of adequate numbers of personnel and equipment.
- (g) Define the duties of all concerned personnel.
- (h) Ensure the dissemination of the same information to all concerned personnel.
- (i) Provide a means for management's review and analysis of an operation.
- (j) Assist in the preparation of future tactical operations.
- (k) The authority to conduct probation/parole searches can be abused if the investigating officer does not conduct proper background. Failure to thoroughly gather background information may result in:
  1. Officers searching a residence or business where the probationer/parolee is in custody, and that fact is not known to the officers.
  2. Searches of the same residence by separate units within the department, unaware that the residence had recently been searched.

## 321.3 METHOD

In order to maximize the departmental resources that are available for the service of warrants and to minimize risk to involved officers, the following protocol is established. It will be followed as closely as is possible. It is understood that there are certain situations where developments occur in the field unexpectedly, and exigencies or unusual circumstances may make some of these provisions impractical. While such exigencies may be cause to forego a step or two in this protocol, it does not relieve the officer and

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supervisor from the responsibility that accompanies warrant service. Officers need to be mindful of the purpose of this protocol and shall make every attempt to comply with the intent of its provisions.

Officers assigned to a multi-jurisdictional task-force or enforcement team will follow the procedures, protocol, and Memorandum of Understanding of the task-force.

#### **321.3.1 SEARCH WARRANT CHECKLIST**

The use of the "Search Warrant Checklist" is mandatory for the service of all search warrants. The purpose of the checklist is to ensure that all search warrant service operations have been thoroughly prepared and to determine the risk level prior to service.

- (a) The officer/s or investigator/s completing the "Search Warrant Checklist" will ensure he/she is using the most current version. The current version of the checklist may be found on the Oxnard Police Department's Intranet located in the "templates" section. He/she shall attach and/or provide all supporting documentation and photographs relative to the checklist, which can be readily available for review by the supervising sergeant and/or commander.
- (b) The supervising sergeant shall review all supporting documentation and photographs relative to the checklist. Although every function on the checklist need not be performed, the sergeant will be responsible for ensuring that all boxes are marked either "yes" or "no." The approving supervisor will sign and date the checklist indicating that he/she has reviewed it.

#### **321.3.2 OPERATIONS PLAN PREPARATION**

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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### Warrant Services and Residential Searches

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[REDACTED]

#### 321.3.3 SEARCH WARRANT HIERARCHICAL INDEX

- (a) **LOWER RISK**-A search warrant that may be served by one or two investigators and/or patrol personnel; does not require a tactical team.
- (b) **MODERATE RISK**-A search warrant that may be served at the unit level.
- (c) **HIGH RISK**-A search warrant that may be served by SWAT personnel or by unit level personnel.
- (d) **HIGHEST RISK**-A search warrant that will be served by SWAT.

#### 321.3.4 RISK CRITERIA

[REDACTED]

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■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

#### **321.3.5 APPROVAL FOR SERVICE**

- (a) The supervising sergeant shall review the Search Warrant Checklist and sign the bottom of page two. The supervising sergeant and/or commander will determine the risk factors involved with the service of the search warrant, based on the case circumstances and the criteria listed on the checklist. The supervising commander, or designee, will check the appropriate box on the checklist identifying the respective risk involved and place his/her initials next to the risk factor identified.
- (b) If SWAT is to be requested to either serve the warrant or assist with the service, the SWAT Commander, or designee, will review the Search Warrant Checklist and sign the bottom of page two prior to approving SWAT participation.

#### **321.4 SERVICE OF HIGHEST RISK AND HIGH RISK SEARCH WARRANTS**

■ [REDACTED]

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[REDACTED]

- [REDACTED]
- [REDACTED]

**321.5 BRIEFINGS**

[REDACTED]

- [REDACTED]
- [REDACTED]
  - [REDACTED]
  - [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

**321.6 PROBATION AND PAROLE SEARCHES**

- (a) When a planned probation/parole search is conducted at a residence or a business, the officer in charge will provide the information to communications to be entered into CAD. This will include not only the location, but also the probationer's name.



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- [REDACTED]
- [REDACTED]
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## **Search and Seizure**

### **322.1 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 Oxnard Police Department personnel to consider when dealing with search and seizure issues.

### **322.2 POLICY**

It is the policy of the Oxnard 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.

In accordance with the Policy Manual § 208, 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.

### **322.3 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:

- (a) Valid consent.
- (b) Incident to a lawful arrest.
- (c) Legitimate community caretaking interests.
- (d) Vehicle searches under certain circumstances.
- (e) Exigent circumstances.
- (f) Probation/Parole searches.

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

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

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

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### *Search and Seizure*

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#### **322.4 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.

#### **322.5 DOCUMENTATION**

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

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

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

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## Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by employees of the Oxnard Police Department (42 USC § 5633).

#### 324.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile Non-Offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

**Juvenile Offender** - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR § 31.303).

**Non-Secure Custody** - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR § 1150).

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

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

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure 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.

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**Sight and Sound Separation** - Located or arranged to prevent physical, visual or auditory contact.

**Status Offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation or 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).

### **324.2 POLICY**

The Oxnard Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while in temporary custody at the Oxnard Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

### **324.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Oxnard Police Department:

- (a) Unconscious.
- (b) Seriously injured.
- (c) A known suicide risk or obviously severely emotionally disturbed.
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR § 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR § 1142; 15 CCR § 1151).

These juveniles should not be held at the Oxnard 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).

#### **324.3.1 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).

#### **324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/her, or any unusual behavior which

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may indicate the juvenile may harm him/her while in either secure or non-secure custody (15 CCR §1142).

#### **324.3.3 INTOXICATED AND SUBSTANCE ABUSING MINORS**

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Oxnard Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency (Title 15, California Code of Regulations § 1431). In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- (a) Known history of ingestion or sequestration of a balloon containing drugs in a body cavity.
- (b) Minor is known or suspected to have ingested any substance that could result in a medical emergency.
- (c) A juvenile who is intoxicated to the level of being unable to care for him/her.
- (d) An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

- (a) A juvenile detained and brought to the Oxnard Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:
  - 1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
  - 2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
  - 3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Oxnard Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present.
  - 1. The 15 minute checks of the juvenile shall be documented on the Non-secure Detention of Juvenile Log in the Watch Commander's office.
- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

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- (e) A medical clearance is required before the juvenile is transported to Juvenile Hall if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required.

#### **324.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Oxnard Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Policy Manual § 330 for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Oxnard 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 practical and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Oxnard Police Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d)).

##### **324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Policy Manual § 330 should generally not be held at the Oxnard 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 (42 USC § 5633; Welfare and Institutions Code § 206).

##### **324.4.2 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). Status offenders shall not be held in secure custody (42 USC § 5633).

##### **324.4.3 CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders should be held in non-secure custody while at the Oxnard Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), or a serious or violent felony should be referred to a probation officer for a decision on further detention.

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In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative which 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).

#### **324.4.4 CURFEW VIOLATIONS**

Juveniles detained for curfew violations may be released in the field or brought to the station but should only be released to his/her parent, legal guardian, or responsible adult.

#### **324.5 ADVISEMENTS**

Officers shall take immediate steps to notify the juvenile's parent, guardian or a responsible relative that the juvenile is in custody, the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1(d)).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Holding Facility Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

#### **324.6 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 being held.
  - (b) Date and time of arrival and release from the Oxnard Police Department (15 CCR § 1150).
  - (c) Watch Commander notification and approval to temporarily hold the juvenile.
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- (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.
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR § 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1(d); 15 CCR § 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

#### **324.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR § 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Oxnard 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).

#### **324.8 TEMPORARY CUSTODY REQUIREMENTS**

Employees and supervisors assigned to monitor or process any juvenile at the Oxnard 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 Oxnard Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Oxnard 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) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR § 1143).
- (f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR § 1143).
- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR § 1143).

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- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR § 1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR § 1143).
- (k) Blankets shall be provided as reasonably necessary (15 CCR § 1143).
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR § 1142).

#### **324.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with department policy. A juvenile offender may be handcuffed at the Oxnard Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless 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).

#### **324.10 CONTROL HOLDS ON JUVENILES**

Whenever an officer uses any force or a control hold on an uncooperative juvenile and the juvenile is released without an arrest or report being generated, the officer shall ensure the following:

- (a) The contact is minimally documented through an FIR.
- (b) Notify his/her supervisor of the contact.
- (c) Reasonably attempt to notify the parent or guardian of the juvenile about the reason and circumstances of the stop in person or by phone.
- (d) If the parent or guardian is not notified, indicate the reason on the FIR.

An officer who searches or places hands on a cooperative juvenile is not required to make notification to the parent or guardian. The above applies to force and holds used to control an uncooperative juvenile.

This section is not to be interpreted as a lessening of reporting requirements, but rather to document the unlikely occasions where a report was not generated. Further, for reportable uses of force as governed by Policy Manual § 300, the same attempt will be made to notify a parent or guardian.

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#### **324.11 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Oxnard 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 Oxnard Police Department.

#### **324.12 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR § 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR § 1145):

- (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 practical 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).

##### **324.12.1 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:

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- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR § 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (Welfare and Institutions Code § 207.1(d); 15 CCR § 1147; 15 CCR § 1151).
  - 1. All safety checks shall be logged.
  - 2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room (15 CCR § 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **324.13 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 Oxnard Police Department (15 CCR § 1142; 15 CCR § 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police and Investigative Services Bureau Commander.
- (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 medical examiner.
- (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.

#### **324.14 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.

#### **324.15 FORMAL BOOKING**

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

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### *Temporary Custody of Juveniles*

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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 Detective Division 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.

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

- (a) Once the detained juvenile has been placed in non-secure custody, complete the Non-Secure Detention of Juvenile Log located in the Watch Commander's office.
- (b) Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627).
- (c) Submit a completed Application for Juvenile Court Petition (VCPA 053), if the minor will be lodged at juvenile hall.

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

#### **324.15.1 DISPOSITIONS**

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
  - 1. Parent or legal guardian.
  - 2. An adult member of his/her immediate family.
  - 3. An adult person specified by the parent/guardian.
  - 4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Watch Commander.
- (b) If the six hour time limit has expired, the juvenile should be transported to the juvenile hall to accept custody.
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
  - 1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
  - 2. If the arresting officer or the Watch Commander believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.

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3. The arresting officer may complete an Application for Petition form on behalf of the juvenile and forward it to the Investigative Services bureau for processing.
  4. The juvenile may be transferred to Juvenile Hall with authorization of the appropriate supervisor or the Watch Commander when the violation falls within the provisions of Welfare and Institutions Code § 602.
- (d) If a juvenile is to be transported to Juvenile Hall, the following items shall accompany the juvenile:
1. Application for Juvenile Court Petition.
  2. Three copies of the applicable reports for each juvenile transported. In certain cases Juvenile Hall may accept custody of the juvenile based on the petition and the agreement that facsimile copies will be forwarded as soon as completed.
  3. Any personal property taken from the juvenile at the time of detention.

#### **324.16 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 Oxnard 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 Manager and the appropriate Detective Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

#### **324.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION**

The Field Services Bureau Chief shall coordinate the procedures related to the custody of juveniles held at the Oxnard Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

## School Resource Unit

### 325.1 PURPOSE AND SCOPE

To establish guidelines for the position of School Resource Officer (SRO), and to better define the position of the SRO within the community.

### 325.2 METHOD

The SRO performs liaison functions between the Oxnard Police Department and the city schools. The SRO monitors various juvenile activities within the city and reports to the School Resource Unit Sergeant.

- (a) Available assignments within the School Resource Unit include:
1. High School SRO
  2. Elementary/Middle School SRO
  3. Police Activities League Officer
- (b) Primary responsibilities:
1. To conduct criminal investigations occurring on or around school grounds, and cases assigned by the School Resource Unit Sergeant.
  2. To assist the schools and adolescents by providing a designated contact person within the Department.
    - (a) The SRO shall maintain an open line of communication with the schools regarding student tensions and activities that cannot be easily monitored by patrol officers.
    - (b) The SRO's objective shall be to maintain a good rapport with the youth and reduce school disruptive incidents throughout the city.
    - (c) The SRO will maintain an ongoing relationship with school administrators, juvenile probation, and the district attorney's office to act as a resource for delinquency prevention and safety programs.
  3. To closely monitor various functions within the youth community to ensure that conflicts are reported back to the Department.
  4. Take a lead in solving conflicts within youth groups, and within the school environment.
    - (a) The SRO is in a position to act as a mentor for students.
  5. To provide guidance to parents or guardians with police related issues.
  6. To establish and maintain constant contact with local schools and be readily available to respond to the Department needs at those locations.
    - (a) The amount of time spent at individual school sites will be dependent upon the current contractual agreement between the individual schools, the Oxnard Police Department, and the needs of the school.
    - (b) Attendance at local meetings dealing with schools or school environments is encouraged.
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7. To coordinate with high schools for the number of officers that will be needed to work at scheduled home sporting events and intra-curricular activities.
  - (a) Attendance at the football games by the SRO is required by the schools unless other arrangements are made with the SRO Sergeant.
  - (b) Overtime compensation will be paid by the SRO's school. The SRO shall notate any overtime cards so that the appropriate school(s) may be billed.
8. Initial reports and calls for service originating at school campuses are generally the responsibility of the assigned SRO.
9. Tours of the police facility by school children can be coordinated through the SRO, and should be conducted as time permits.
  - (a) Career Days at the local schools can be coordinated by the SRO.
  - (b) Government classes and Youth Academy classes are all conducted by the SRO.
10. Attendance at school functions may be required. In order to more effectively integrate with the schools, the SRO should attempt to be present at assemblies, homecomings, sporting events, banquets, award ceremonies, and faculty functions.
  - (a) Other officers shall inform and coordinate with the assigned SRO of upcoming functions/appearances at any of the local school campuses.
11. To maintain programs at the SRO's assigned school (i.e. Parent Project, Rape Aggression Defense (RAD)).

## Elder Abuse

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Oxnard Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

### 326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare and Institutions Code § 15610 et seq. and Penal Code § 368).

**Dependent Adult** - Any person residing in this state, between the ages of 18 and 64-years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent Adult includes any person between the ages of 18 and 64-years who is admitted as an inpatient to a 24-hour health facility, as defined In Health and Safety Code §§ 1250, 1250.2, and 1250.3.

**Elder** - Any person residing in this state, 65-years of age or older.

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

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

**Adult Protective Services Agency** - A county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

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

- (a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- (b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

### 326.3 MANDATORY REPORTING REQUIREMENTS

Employees of the Oxnard Police Department are mandated reporters.

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Employees who observe, have knowledge of, or are told by an elder or dependant adult about any form of abuse (physical abuse, abandonment, abduction, isolation, financial abuse, neglect) shall make a report and notify the appropriate social services representative as soon as practicable (see Welfare & Institutions Code § 15630 for reporting details). Failure to make a report within two working days is a misdemeanor (Welfare and Institution Code § 15630(h)).

The Family Crimes Unit Sergeant is responsible to ensure that cases of suspected elder abuse are forwarded to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (care facility, hospital) per Welfare and Institution Code § 15630(b).

#### **326.3.1 RECORDS DIVISION RESPONSIBILITY**

The Records Division is responsible for the following:

- (a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Retain the original elder/dependent abuse report with the initial case file.

#### **326.4 OFFICER'S RESPONSE**

All incidents involving actual or suspected elder and dependent abuse shall be fully investigated and appropriately documented.

##### **326.4.1 INITIAL RESPONSE**

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

##### **326.4.2 STABILIZE THE SITUATION**

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider taking the following actions:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance, injuries for example, should be photographed as soon as practicable.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.
- (d) Make on-scene arrests when appropriate. Officers may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon a victim 65 years of age or older to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836). If an arrest is not otherwise required by law, officers should consider the

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consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly victim. The present and future safety of the victim is of utmost importance.

#### **326.4.3 SUPPORT PERSONNEL**

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

- (a) Patrol Supervisor.
- (b) Detective personnel.
- (c) Evidence collection personnel.
- (d) Protective Services Agency personnel.
- (e) Ombudsman shall be called if the abuse is in a long-term care facility.

#### **326.4.4 EMERGENCY PROTECTIVE ORDERS**

In any situation which an officer reasonably believes that an elder or dependant 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)).

#### **326.5 ELDER ABUSE REPORTING**

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

- (a) Current location of the victim.
- (b) Victim's condition/nature and extent of injuries, neglect or loss.
- (c) Names of agencies and personnel requested and on scene.

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

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

## **Unlawful Discrimination and Harassment**

### **328.1 PURPOSE AND SCOPE**

Department employees should be free from being subjected to unlawful discrimination or harassment. To that end, the Department will endeavor to provide a workplace free from discrimination and harassment in compliance with Title VII of the Civil Rights Act of 1964 (as amended), the guidelines issued by the Equal Employment Opportunity Commission, the California Fair Employment and Housing Act, and the guidelines issued by the California Fair Employment and Housing Commission.

### **328.2 POLICY**

The Department takes allegations of discrimination and harassment seriously. Preventative and corrective action will be taken for substantiated behavior that violates this policy or the rights and privileges it is designed to protect.

### **328.3 DISCRIMINATION AND HARASSMENT**

Discrimination and harassment are acts, or omissions of an act, that creates a hostile work environment, excludes any person from employment or promotional opportunities because of gender, sexual orientation, race, color, ancestry, religion, national origin, physical disability, mental disability, medical condition, age, marital status, sexual status, or denial of family care or pregnancy disability leave.

### **328.4 RESPONSIBILITIES**

This policy applies to all department personnel. All employees shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards, and the best interest of the Department and its mission.

All employees are required to report promptly any observed or known violations of this policy to his/her immediate supervisor or any other department supervisor or manager.

#### **328.4.1 SUPERVISOR RESPONSIBILITY**

Each supervisor and manager shall:

- (a) Ensure that the work environment is free from all types of unlawful discrimination and harassment.
- (b) Ensure that subordinates understand his/her responsibilities under this policy.
- (c) In conjunction with Human Resources, train his/her subordinates as to what constitutes discrimination and harassment.
- (d) Notify the Chief of Police and the Director of Human Resources in writing of the circumstances surrounding any reported allegations of discrimination and/or harassment. This shall not be longer than 24 hours after the initial report is made.

Individual supervisory employees may be held personally liable for discriminatory acts, including harassment.

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#### **328.4.2 SUPERVISOR'S ROLE**

Sometimes supervisors and managers may not recognize that his/her behavior or the behavior of others is discriminatory, harassing, or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination and harassment have negative effects on the careers of innocent employees.
- (c) Supervisors and managers must act responsibly in the handling of such situations.

#### **328.5 INVESTIGATION OF COMPLAINTS**

The Human Resources Department is responsible for overseeing and/or conducting Equal Employment Opportunity (EEO) investigations into allegations of discrimination and harassment.

After an Equal Employment Opportunity investigation is completed and allegations of wrong-doing have been substantiated against a member of the OPOA or OPSMA, the matter will be referred to Professional Standards to conduct an investigation compliant with Government Code §§ 3300 through 3311 ("Public Safety Officers Procedural Bill of Rights").

The Police Department will act in accordance with City of Oxnard Administrative Manual § E-21.

## Child Abuse Reporting

### 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Oxnard Police Department employees are required to notify Children and Family Services of Ventura County (CFS) of suspected child abuse.

#### 330.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Child Abuse** - Any offense or attempted offense involving violence 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).

### 330.2 POLICY

The Oxnard Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CFS is notified as required by law.

### 330.3 MANDATORY NOTIFICATION

Employees of the Oxnard Police Department shall notify CFS 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.

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

#### 330.3.1 NOTIFICATION PROCEDURE

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

- (a) Notification to CFS shall be made immediately, or as soon as practicably possible, by telephone, fax or electronic transmission.
- (b) A written follow-up report is forwarded to CFS within 36 hours of receiving the information concerning the incident.

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When the abuse or neglect occurs at a facility or by a person from a facility that requires a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code § 11166.1; Penal Code § 11166.2).

In addition to the mandated cross reporting requirements, Department personnel who receive and/or investigate child abuse reports will notify the Watch Commander and/or their immediate supervisor concerning the information received. Personnel will also advise the Watch Commander and/or their immediate supervisor of their proposed course of action concerning the information received about the reported child abuse.

#### **330.3.2 RELEASE OF REPORTS**

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810.

#### **330.4 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 Ventura County District Attorney's Office 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).

#### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated. Officers shall complete a suspected child abuse report and submit the report to the Family Protection Unit.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries.

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- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

### **330.6 PROTECTIVE CUSTODY**

Under specified circumstances described below, a minor may be taken into protective custody if he/she is the victim of suspected child abuse (Welfare and Institutions Code § 300 et seq.). Before taking any minor into protective custody the officer should make reasonable attempts to contact the appropriate child welfare authorities to ascertain any applicable history or current information concerning the minor.

An officer should consider taking a minor into protective custody under any of the following circumstances (Welfare and Institutions Code § 305 and Penal Code 279.6):

- (a) The officer reasonably believes the minor is a person described in Welfare and Institutions § 300, and further has good cause to believe that any of the following conditions exist:
  - 1. The minor has an immediate need for medical care.
  - 2. The minor 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 minor 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 minor into protective custody.
- (b) 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.
- (c) There is no lawful custodian available to take custody of the child.
- (d) There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
- (e) The child is an abducted child.
- (f) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or § 278.5.

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 minor or result in abduction. If this is not a reasonable option, the officer shall ensure the minor is delivered to the appropriate child welfare authority.

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An officer should inform a supervisor of the circumstances prior to taking a child into protective custody. The informed supervisor should notify the Family Protection Unit supervisor of the protective custody. If applicable, the officer shall complete an application for petition per Welfare & Institutions Code § 329. The completed original application will be provided to CFS upon accepting physical custody of the minor child. The officer will provide the Family Protection Unit with a copy of the completed application.

#### **330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW**

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CFS.

### **330.7 INTERVIEWS**

#### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers shall 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.

#### **330.7.2 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.

#### **330.7.3 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).

### **330.8 PHYSICAL EXAMINATIONS**

If a child has been the victim of sexual abuse requiring a medical examination, the responding officer shall contact the Watch Commander. The Family Protection Unit Sergeant will be notified so that arrangements can be made by the Victim Advocate or

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by detectives to transport the child to the Multi-Disciplinary Interview Center (MDIC) " Safe Harbor for a medicolegal examination by a Registered Nurse/Sexual Assault Nurse Examiner (RN/SANE).

The Family Protection Unit Sergeant shall ensure that the detectives advise the victim and/or victim's guardian that they have the right to have a sexual assault victim counselor and/or the person of their choice present during the medicolegal examination. The Family Protection Unit Sergeant shall ensure that the detectives contact The Coalition for Family Harmony, Ventura County's local rape counseling center, and notify them that a medicolegal examination will take place. The Coalition will also be advised of the victim's request concerning who they wish to attend the medicolegal examination. In all cases the victim shall be provided a Department Sexual Assault Information document that provides information to sexual assault victims per § 13701 of the Penal Code.

### **330.9 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.

#### **330.9.1 SUPERVISOR RESPONSIBILITIES**

The VCAT supervisor should:

- (a) Work with professionals from the appropriate agencies, including CFS, 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 VCAT 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.

#### **330.9.2 OFFICER RESPONSIBILITIES**

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

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the VCAT supervisor so an interagency response can begin.

### **330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

#### **330.10.1 RELEASE OF REPORTS**

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

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#### **330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)**

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

#### **330.10.3 CACI HEARING OFFICER**

The Family Protection Unit Sergeant 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.

#### **330.10.4 CACI HEARING PROCEDURES**

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

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

- (a) Case reports including any supplemental reports.
- (b) Statements by investigators.
- (c) Statements from representatives of the District Attorney's Office.
- (d) Statements by representatives of a child protective agency who may be familiar with the case.

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169). If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

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

#### **330.10.5 CHILD DEATH REVIEW TEAM**

This department should cooperate with any interagency child death review team investigation (Penal Code § 11174.32).

#### **330.11 TRAINING**

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

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- (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 Person Reporting

### 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 332.1.1 DEFINITIONS

**At Risk** - Includes, but is not limited to the following (Penal Code § 14213):

- (a) A victim of a crime or foul play.
- (b) A person missing and in need of medical attention.
- (c) A missing person with no pattern of running away or disappearing.
- (d) A missing person who may be the victim of parental abduction.
- (e) A mentally impaired missing person.

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

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

### 332.2 POLICY

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

### 332.3 REQUIRED FORMS AND DNA COLLECTION KITS

The Family Protection Unit Sergeant shall ensure the following 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:

- (a) Missing Person Report Form.
- (b) Missing Person Investigation Checklist, providing investigation guidelines and resources available in the early hours of a missing person investigation (Penal Code § 13519.07).
- (c) Missing Person School Notification Form.
- (d) Medical Records Release Form from the California Department of Justice.
- (e) Missing Person Report Form from the California Department of Justice.

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- (f) DNA Missing Persons Specimen Collection Kits.

#### **332.4 ACCEPTANCE OF REPORTS**

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

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

In all cases involving a person at-risk or a child under 12 years of age, notification to the Watch Commander and Family Protection Unit Sergeant shall be made.

#### **332.5 INITIAL INVESTIGATION**

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

- (a) Respond to the dispatched call for service as soon as practicable.
- (b) Interview the reporting party (RP) 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 at-risk.
- (d) Complete a missing person report accurately and completely.
- (e) Collect and/or review the following:
  1. A photograph and a fingerprint card of the missing person if available.
  2. A voluntarily provided DNA sample of the missing person if available.
  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 (i.e. cell phones, computers).
- (f) If the missing person is under 16 years of age, or there is evidence that the person is at-risk, the Department shall broadcast an "Attempt to Locate" bulletin without delay, within the jurisdiction (Penal Code § 14205).
- (g) Ensure entry into the Missing Person System (MSP) within two hours if the missing person is at-risk or under 21 years of age. Entry into MPS should be made without delay for a missing person over 21 years of age.
- (h) Notify a supervisor if the missing person may qualify for a public alert, as provided in the Public Alerts policy.
- (i) Contact the lead agency if the report relates to a previously made missing report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the officer should notify a supervisor and proceed with reasonable steps to locate the missing person.

#### **332.6 REPORT PROCEDURES AND ROUTING**

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

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#### **332.6.1 SUPERVISOR RESPONSIBILITIES**

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

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

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

#### **332.6.2 RECORDS DIVISION RESPONSIBILITIES**

The receiving employee 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 § 14205).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known (Penal Code § 14205).
- (d) Forward a copy of the report to the Missing Persons Specialist.

#### **332.7 INVESTIGATIVE SERVICES BUREAU FOLLOW-UP**

The Missing Person Specialist or investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  1. The notice shall be in writing and should also include a photograph (California Education Code 49068.6).
  2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.
- (f) Shall maintain a close liaison with the National Center for Missing and Exploited Children if the missing person is under the age of 21 (42 USC § 5780).

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- (g) Should make appropriate inquiry with the coroner or medical examiner and obtain and forward medical records, photos, x-rays and DNA samples pursuant to Penal Code § 14206 and Penal Code § 14250.
- (h) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14209).
- (i) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs). (NamUs is a free online system that can be searched by medical examiners, coroners, law enforcement officials and the general public to solve these cases).

#### **332.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned employee shall document the location of the missing person in the appropriate report. The completed report shall be forwarded to Records.

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

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

The Missing Persons Specialist shall notify the missing child's school.

#### **332.9 CASE CLOSURE**

The Family Protection Unit Sergeant may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person was a resident of Oxnard 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 inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

## Public Alerts

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information. This policy addresses AMBER Alerts, Endangered Missing Advisory (EMA), Blue Alerts and other methods of public notification.

### 334.2 AMBER ALERTS - ABDUCTIONS

The America's Missing: Broadcast Emergency Response Program (AMBER Alert™) is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child abduction and how they can assist law enforcement in the recovery of the child. The goal is the safety of the public and law enforcement and the successful apprehension of the suspect by establishing an effective partnership between the community, the media and law enforcement.

#### 334.2.1 AMBER ALERT DEFINITIONS

Abduction - Any child under the age of 18-years who has been unwillingly removed from his/her environment without permission from the child's legal guardian or a designated legal representative.

#### 334.2.2 CHILD ABDUCTION CRITERIA

The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

- (a) Abduction has been determined to have occurred (witnesses or alternative explanations eliminated).
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) Articulate reason that 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.

#### 334.2.3 PROCEDURE FOR AMBER ALERT

In the event of a confirmed child abduction, the Emergency Notification and Tactical Alert Center (ENTAC) should be notified as soon as possible at (916) 843-4199. After ENTAC has been notified, the following procedures designed to alert the media shall be followed:

- (a) The Community Affairs Manager/Public Information Officer, Watch Commander or Family Crimes Unit Sergeant will prepare an initial press release that includes all available information which 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.

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6. Name and phone number of the authorized individual to handle media liaison.
  7. A telephone number for the public to call to provide leads and information.
  8. A telephone number for the lead investigator.
- (b) Email or fax the press release to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) ENTAC should provide the person making the notification with suggestions on additional resources available; however, the individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
1. Emergency Alert System sites (EAS).
  2. California Highway Patrol (CHP).
  3. California Law Enforcement Telecommunication System (CLETS) message to activate the Emergency Digital Information System (EDIS).
  4. FBI local office.
  5. Prompt entry of information into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
  6. National Center for Missing and Exploited Children, (800) 843-5678.
- (e) The investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and email or fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

### **334.3 BLUE ALERTS - ASSAULT ON LAW ENFORCEMENT OFFICER**

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.

#### **334.3.1 PROCEDURE FOR BLUE ALERT**

In the event of an assault with a deadly weapon, serious bodily injury or death of an officer, the following procedures designed to alert the media shall be followed.

- (a) The Community Affairs Manager/Public Information Officer, Watch Commander, or Family Crimes Unit Sergeant will prepare an initial press release that includes all available information which might aid in locating the suspect:
  1. The license number and/or any other available description or photograph of the vehicle.

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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 phone number of the authorized individual to handle media liaison.
  6. A telephone number for the public to call in with leads/information.
- (b) Email or fax the press release to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
1. Emergency Alert System sites (EAS).
  2. California Highway Patrol (CHP).
  3. California Law Enforcement Telecommunication System (CLETS) message to activate the Emergency Digital Information System (EDIS).
  4. FBI local office.
- (e) The investigation unit supervisor investigating the incident or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the suspect and or suspect vehicle (Government Code § 8594.5).

#### **334.4 EMA - ENDANGERED MISSING ADVISORY**

In the event of a high-risk missing person case that does not meet all four of the mandatory requirements of an AMBER Alert, ENTAC can issue an EMA. Many of the resources available through ENTAC for an Amber Alert are available with an EMA. An EMA will not activate the Emergency Alert System or the Highway Changeable Message signs.

#### **334.5 ALERT RESPONSIBILITY**

The employee receiving the report shall notify the Watch Commander or appropriate investigative supervisor as soon as practical. The Watch Commander or investigative supervisor will then determine whether to inform the media and other allied resources of the incident via an AMBER Alert or Blue Alert. The Watch Commander or investigative supervisor shall promptly notify the Chief of Police and the appropriate bureau chief.

#### **334.6 SILVER ALERTS**

Silver Alerts is an emergency notification system for people who are 65 years of age or older and have been reported missing.

##### **334.6.1 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.
- (b) The Department has utilized all available local resources.

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- (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.

#### **334.6.2 PROCEDURE FOR SILVER ALERT**

Requests for a Silver Alert shall be made through the California Highway Patrol.

#### **334.7 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department Emergency Communications Center facilities and staff can be made available as call takers in the event of high call volume.

If the Watch Commander or investigative supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Commander of the incident and request for assistance. He/she will provide you with a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The authorized individual will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

Oxnard Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department Emergency Communications Center to screen and relay information and clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Center.

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## Victim and Witness Assistance

### 336.1 PURPOSE AND SCOPE

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

### 336.2 POLICY

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

### 336.3 CRIME VICTIM LIAISON

The Chief of Police may appoint an employee of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Oxnard 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.

#### 336.3.1 SPECIFIC VICTIM LIAISON DUTIES

The Chief of Police shall designate a crime victim liaison officer as liaison to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by the local victim centers to verify the criminal activity upon which the application for assistance is based. The liaison officer shall carry out the functions required by state law; and devise and implement written procedures to notify and provide the required compensation information. The Release of Records and Information Policy in this manual regarding the release of reports shall be followed in all cases (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36).

### 336.4 CRIME VICTIMS

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

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

### 336.5 VICTIM INFORMATION

The Victim Services Specialist shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg; Penal Code § 13823.95(a)).

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- (d) An explanation that no victim of sexual assault shall be required to participate or agree to participate in the criminal justice system, either prior to examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime.
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U-Visa and T-Visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number and any applicable case or incident number.
- (l) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.05; Penal Code § 679.026).

#### **336.6 WITNESSES**

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

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

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## Hate Crimes

### 338.1 PURPOSE AND SCOPE

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

### 338.2 DEFINITIONS

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

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

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

### 338.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

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

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

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- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.

#### **338.4 PROCEDURE FOR INVESTIGATING HATE CRIMES**

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

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b)).
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

##### **338.4.1 INVESTIGATIVE SERVICES BUREAU RESPONSIBILITY**

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

- (a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023.

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#### **338.5 TRAINING**

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

#### **338.6 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL**

The Hate Crimes Statistics Act of 1990 requires the Attorney General to establish guidelines and collect, as part of the Uniform Crime Reporting (UCR) Program, data about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity. In September 1994, the Violent Crime Control and Law Enforcement Act amended Hate Crime Statistics to add disabilities, both physical and mental, as factors that should be considered a basis for hate crimes.

- (a) It shall be the responsibility of the employee taking a crime report that manifests evidence of prejudice base on race, religion, sexual orientation, ethnicity, or disability (physical or mental) for a reportable offense of murder, rape, robbery, aggravated assault, burglary, larceny (theft), motor vehicle theft, arson, simple assault, intimidation, or destruction/damage/vandalism to also complete a Hate Crime Event Report form (BCIA 8373) in accordance with the instructions contained therein.
- (b) The Hate Crime Event Report form (BCIA 8373) shall be processed with all related reports and forwarded to the Crime Analysis Unit.
- (c) By the tenth day of each month, it shall be the responsibility of the Investigative Services Bureau Commander to ensure that the Monthly Hate Crime Event Report form(s)(BCIA 8373) is submitted to the Department of Justice Criminal Justice Statistics Center.
- (d) In the event that no Hate Crime Report forms were completed during the previous month, a Monthly Hate Crime Report (BCIA 7) will be submitted to the Department of Justice with an indication that no such crimes were reported.

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## Employee Conduct

### 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct for employees that is consistent with the values and mission of the Department. 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 employee conduct. Employees are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the employee's supervisors.

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

### 340.2 DISCIPLINE POLICY

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

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

### 340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

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

#### 340.3.1 ATTENDANCE

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

#### 340.3.2 CONDUCT

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

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- (d) Engaging in horseplay resulting in injury or property damage, or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on his/her own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain, or without the express authorization of the Chief of Police or a designee.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.
- (k) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.

#### **340.3.3 DISCRIMINATION**

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

#### **340.3.4 INTOXICANTS**

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties, or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (d) Unauthorized possession, use of, or attempting to bring a controlled substance or other illegal drug to any work site.

#### **340.3.5 PERFORMANCE**

- (a) Unauthorized sleeping during on-duty time or assignments.
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- (b) Careless workmanship.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department, or subverts the good order, efficiency, and discipline of the Department, or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading, or malicious statements that are reasonably calculated to harm or destroy the reputation, authority, or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper, or document.
- (j) Wrongfully loaning, selling, giving away, or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card, or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the Department policy manual, operating procedures, or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall be familiar with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Work-related dishonesty, including attempted or actual theft of department property, services, or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (o) Criminal, dishonest, infamous, or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution, or approved department practices or procedures.
- (r) Associating with or joining a criminal gang or organized crime and/or criminal syndicate when the Department employee knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved

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in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

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

Engaging in conflicting or prohibited relationships is contained in Policy Manual § 1050.

#### **340.3.6 SAFETY**

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on-duty and/or within department facilities, or to use required protective clothing or equipment.
  - (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
  - (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
  - (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
  - (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
  - (f) Violating departmental safety standards or safe working practices.
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#### **340.3.7 SECURITY**

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

#### **340.3.8 SUPERVISION RESPONSIBILITY**

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor, or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

#### **340.4 INVESTIGATION OF EMPLOYEE MISCONDUCT**

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

## Department Computer Use

### 342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

#### 342.1.1 PRIVACY POLICY

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

### 342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

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

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

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

**Systems Administrator** - Classifications and positions designated, by the City Manager or designee, as responsible for specific Information Technology Systems.

**Temporary File or 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 or messages.

### 342.3 SYSTEM INSPECTION OR REVIEW

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

When requested by an employee's supervisor, or during the course of regular duties requiring such information, members of the agency's information technology staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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

#### **342.4 AGENCY PROPERTY**

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

#### **342.5 UNAUTHORIZED USE OF SOFTWARE**

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer.

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

#### **342.6 INTERNET USE**

The Department encourages mission-related use of the Internet. Internet services provided by the Department, like other department equipment and resources, are generally to be used only for authorized purposes, such as department business, research, training and professional development.

Internet use requires responsible judgment and compliance with applicable laws and policies. It is subject to management discretion. Users must be aware of and follow department security and privacy policies (Policy Manual § 340.3.7).

To request Internet access, an Internet Access Request form from the Personnel and Training Unit must be signed by the employee, approved and signed by the employee's supervisor, and submitted to the Information Technology Help Desk for implementation. An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

All information technology to be networked or maintained by the Department Information Technology Division shall be approved by the Information Technology Manager. Downloaded information shall be limited to messages, mail, and data files. No copyrighted and/or unlicensed software program files may be downloaded without permission.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

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#### **342.6.1 PERSONAL USE OF THE INTERNET**

De minimis personal use of the Internet (so minor it may be disregarded) during working or non-working hours, including the use of email, World Wide Web access and the use of personal computing devices, networks and printers to support such access, is authorized, provided it does not interfere with official duties, pose a security risk, create the impression that the individual's personal views or activities represent the official position of the Department or its operating units or consume excessive resources.

Excessive resource use is ultimately a matter for supervisory judgment, but generally excessive resource use includes such activities as: burdening an email box with personal and/or non-business-related content, creating or transmitting personal mass mailings or chain letters, downloading or sending large personal files via email or downloading large non-work-related audio or video streams. Also, any level of personal use that poses a distraction from official work responsibilities or interferes with an individual's work efficiency is excessive.

#### **342.7 PROTECTION OF AGENCY SYSTEMS AND FILES**

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

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

#### **342.7.1 SECURITY FOR MOBILE DEVICES**

Mobile devices such as smart phones and tablets carry the security concerns associated with traditional PCs. In addition to the previously-stated security concerns, the smaller devices are easier to steal or misplace. These devices should have screen locking enabled, since the device could grant unauthorized users access to sensitive or restricted Department data if stolen or misplaced.

#### **342.8 LINX DATABASE USAGE**

LInX is an information sharing system designed and provided by the Naval Criminal Investigative Service that links the record management systems of participating agencies. LInX allows users to search its collection of contributed data through the use of several search and analysis tools.

Access to LInX may be granted to sworn or civilian law enforcement employees who have successfully completed an agency background investigation. The Oxnard Police Department will authorize its employees to access LInX based on need demonstrated by the employee's function and/or assignment. Access to LInX is subject to the approval of an Assistant Police Chief or his/her designee.

It is imperative that each user of LInX acknowledge his/her receipt of this information and accept responsibility to include training to prevent misuse and potential consequences which could be imposed for misuse. All Oxnard Police Department users who are granted access are required to complete LInX training and abide by the signed user access agreement. Signed hard copies of these agreements shall be maintained on file by the Personnel and Training Sergeant. Employees accessing the LInX database may only do so for official law enforcement investigative purposes.

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All LInX searches by Oxnard Police Department personnel shall have a CAD event number or a DR number listed in the justification. On rare occasions, a report or event number may not be applicable to the search. In such cases, a specific justification for the search shall be stated.

Any documents that are printed or electronically saved from LInX are to be used for law enforcement purposes only and are subject to the following rules of use:

- (a) The accuracy of information must be confirmed with the originating agency before any legal action may be undertaken (such as making an arrest or preparing an arrest or search warrant affidavit).
- (b) LInX documents may not be copied or sent outside of the Oxnard Police Department or incorporated into any official case file.
- (c) LInX documents must be properly destroyed (hard copies shredded and electronic copies permanently deleted) within 72 hours of being obtained, or when the documents are no longer of value to the investigation, whichever comes first.

All Oxnard Police Department LInX users must use his/her own user login/I.D. and passwords to gain access to the system. Employees are strictly prohibited from loaning his/her login information to other persons, or using another person's LInX account. Regular audits of LInX usage activity shall be conducted annually at a minimum by the Professional Standards Division.

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## Report Preparation

### 344.1 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.

#### 344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed 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. 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 transcriber. 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.

#### 344.1.2 COMPLETION OF REPORTS

On occasion, department employees will have late or complex police reports that may require completion the following day. All reports shall be completed within twenty-four (24) hours of the initial information gathering. For example, if an employee takes report information on a burglary call at 2000 hours on a Friday, he/she shall complete the report by 2000 hours on Saturday.

This section shall not apply to "in-custody" reports, which shall be completed prior to the completion of the employee's shift.

An employee wanting to complete a draft report may do so but must have the final version completed within twenty-four (24) hours of the initial information gathering.

This section does not apply to those reports associated with investigator follow-up reports involving the development of an active case. However, all investigators shall ensure that reports are completed in a prompt manner, and that any "in custody" reports are completed in time for the processing of the related court packet.

#### 344.1.3 MEXICAN CONSULAR IDENTIFICATION CARD REPORTING

When a person reports a lost or stolen Matricula Consular card to the Mexican Consulate, the Consulate will provide them with a form to be brought to the Department. Department personnel will time stamp this document under the paragraph that reads, "This document

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was presented to the Oxnard Police Department on the below listed date. No investigation was conducted by the Police Department as to the identity of the presenter or the circumstances of any reported loss. Therefore, the below time stamp should not in any way be construed as validation of either", and return it to the individual. There will be no report generated, nor a CAD entry made.

Matricula Consular cards that are taken in another crime will continue to be documented under current reporting guidelines consistent with that crime.

#### **344.1.4 ELECTRONIC M.O. SUPPLEMENTAL REPORTS**

When completing a report for offenses of Penal Code §§ 187, 203, 205, 207, 211, 215, 243.4, 245, 246, 261, 314, 451, 459, 484 and 487 of a vehicle, 647(h), 647(i), 647.6, and Vehicle Code § 10852, officers shall also complete an electronic version of the Crime Analysis M.O. Supplemental Report. The information contained in the M.O. Supplemental Report allows crime analysts to receive, analyze, and disseminate this important information to end users in a timely fashion. Sending the report to crime analysis via email will allow the information to be received by Crime Analysis for faster turn around.

#### **344.2 REQUIRED REPORTING**

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

##### **344.2.1 CRIMINAL ACTIVITY REPORTING**

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to completing a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written report.
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written report. If the victim does not desire a report, the incident will be recorded as a CAD event.
- (c) Any incident involving a Part I crime reportable to the Department of Justice.
- (d) In every case where a reportable use of force occurs against any person by police personnel.
- (e) All incidents involving domestic violence.
- (f) All arrests, with the exception of a warrant arrest and there are no fresh charges.

##### **344.2.2 NON-CRIMINAL ACTIVITY**

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms and Qualification Policy).
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.

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- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

#### **344.2.3 DEATH CASES**

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The investigating 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.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

#### **344.2.4 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.

#### **344.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this department shall require a report when:

- (a) Attempted suicide
- (b) The injury is major/serious, whereas death could result
- (c) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event
- (d) The injury is a result of an accidental or self-inflicted gunshot wound.

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.

#### **344.2.6 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 Family Protection Unit supervisor shall ensure notification to the California State Department of Health Services of the incident, including the nature of the injury, on a form provided by the state. Forms may be obtained from DHS Epidemiology and Prevention for Injury Control (EPIC) Branch, Tel: (910) 552-9849 (Penal Code § 23685).

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#### **344.3 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.

##### **344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

##### **344.3.2 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.

#### **344.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the originating officer and discuss the proposed changes. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

#### **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Unit for scanning 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.

##### **344.5.1 CANCELLATION OF D.R. NUMBERS**

Situations may arise that would cause a report to be canceled after a report number has been issued. In these instances, employees will follow these procedures:

Prior to closing the call in CAD - If a DR number is canceled before the call is closed in CAD, the cancellation request will go through the on-duty supervising dispatcher. The dispatch supervisor will ensure that remarks are made in CAD that document the reason for the cancellation, i.e., issued in error, duplicate, parties advised, child exchange (no crime).

After the call is closed in CAD - If a DR number is canceled after the call is closed on CAD, the officer must submit a written request for cancellation through his/her supervisor that states the reason for the cancellation. The supervisor will forward the approved request to the Records Unit supervisor who will document the cancellation in the CAD event along with the reason for the cancellation.

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## Online Reporting

### 345.1 PURPOSE AND SCOPE

It is the policy of the Oxnard Police Department to provide online reporting services to the community. This policy establishes guidelines and procedures to determine when the online reporting system will be used and to outline the procedure for review of online reports.

### 345.2 PROCEDURE AND GENERAL GUIDELINES

The Oxnard Police Department will respond to in-progress incidents and all crimes with evidence or information, which may lead to the identity and apprehension of a suspect, or if the incident just occurred and there is a likelihood the suspect may still be in the area. Officers who are contacted by a member of the public who wishes to file a report shall refrain from referring the person to the online reporting system.

The following crimes and reports may be referred to the online reporting system:

- (a) All petty/grand thefts without suspect information when the property value is under \$5,000, excluding firearms and materials threatening to public safety, i.e., explosives or highly toxic substances.
- (b) Vandalism without suspect information, which is not a hate crime.
- (c) Annoying telephone calls without suspect information.
- (d) Lost property reports.
- (e) Hit and run collisions without a valid suspect license plate or current location of suspect vehicle.
- (f) Identity theft.
- (g) Child custody reports as long as there are no threats or violence involved in the exchange from one custodial parent to another.
- (h) Cases involving serialized property where the serial number is known. For the purposes of this section, credit cards and miscellaneous identification such as medical cards, driver licenses, etc., will not be considered "serialized property."

### 345.3 DISPATCH PERSONNEL RESPONSIBILITIES

When communications personnel receive a call from a citizen wishing to report an incident, the dispatcher will determine if the call falls within the scope of an online report. If so, the dispatcher shall:

- (a) Determine if the citizen has internet access.
- (b) Inform the caller this qualifies as an online report, which allows them to file the report immediately, and print a copy of the report free of charge.
- (c) Advise the caller of the Department's website address; which will guide them through the steps of filing a report.

If the dispatcher determines the call is not suitable for online reporting based on the listed criteria, they will prioritize the call and send the appropriate officer, CSO, or other employee to take a report. The dispatcher will make a notation in the CAD detail such as "no internet access" or "loss is hazardous material."

# Oxnard Police Department

## Policy Manual

### *Online Reporting*

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#### **345.4 REVIEW OF REPORTS SUBMITTED THROUGH THE ONLINE REPORTING**

- (a) Patrol CSO's will review the reports in the online reporting system queue on a daily basis. Once approved, reviewed reports will be processed according to established procedures.
- (b) If the online report is misclassified, such as vandalism, instead of an auto burglary, the reviewer will classify the report according to the elements of the offense described by the citizen author.
- (c) The reviewer will refrain from making grammatical corrections to online reports, unless they are minor in nature, such as, "California" spelled as "Calefournia," etc.
- (d) If there is a question as to the content, the reviewer should attempt to contact the reporting citizen by telephone prior to rejecting the report and make the correction to the online report.
- (e) If the CSO rejects a report, the reason for rejection will be appropriately and professionally noted in the rejection box, which is sent via email to the citizen and a duplicate to a department storage mailbox.
- (f) The reviewer shall reject a report when, in the reasonable judgment of the CSO, circumstances indicate an investigation is warranted. In this circumstance, the CSO will state in the rejection box that the report does not qualify for online reporting, and a patrol response is required.
- (g) Identity theft reports will normally be reviewed by detectives assigned to investigate such cases.
- (h) Hit and Run reports will normally be reviewed by the senior officer assigned to the traffic investigations.
- (i) The Records Manager or designee will conduct periodic audits to ensure reports are entered into the Records Management System (RMS) in a timely manner.

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## News Media Relations

### 346.1 PURPOSE AND SCOPE

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

### 346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, bureau chiefs, commanders, and designated Public Information Officers (PIO) may prepare and release information to the media in accordance with this policy and applicable law.

#### 346.2.1 MEDIA REQUEST

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

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

#### 346.3 MEDIA ACCESS

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Department PIO or other designated spokesperson.
  2. Whenever the presence of media or other aircraft pose a threat to public or officer safety, or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and

# Oxnard Police Department

## Policy Manual

### *News Media Relations*

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altitude necessary for the incident, and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

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

#### **346.3.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

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

#### **346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain an information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records Manager. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

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

# Oxnard Police Department

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### *News Media Relations*

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

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

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

#### **346.4.1 RESTRICTED INFORMATION**

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

- (a) Confidential peace officer personnel information.
- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012).
- (c) Criminal history information.
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (e) Information pertaining to pending litigation involving this department.
- (f) Information obtained in confidence.
- (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
- (h) Any confession made by a suspect.

Formal requests for information from any person or agency which requires more than one hour of staff time to compile and communicate will be made in writing and directed to:

Oxnard City Clerk

305 W. Third Street

Oxnard, California 93030

Payment for research and compilation will be required.

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## Court Appearance And Subpoenas

### 348.1 PURPOSE AND SCOPE

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

#### 348.1.1 DEFINITIONS

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

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

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

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

### 348.2 COURT SUBPOENAS

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

#### 348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any Department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or via email. The District Attorney's Office will input subpoenas that require service into their database. The subpoena clerk will then query the database and obtain all subpoenas that are ready for law enforcement service. The subpoena will then be electronically sent to the witness and by doing so will create an appointment in the Microsoft Outlook. Government Code § 68097.1. Subpoena service is also acceptable by courier or court liaison from the court to this Department when necessary.

#### 348.2.2 VALID SUBPOENAS

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

#### 348.2.3 ACCEPTANCE OF SUBPOENA

Once the subpoena has been sent to the witness, it will be considered served. Department employees are required to check their email each work day to check for any new subpoenas.

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### *Court Appearance And Subpoenas*

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All new subpoenas or change in status on any served subpoenas will be done via the email. As is current practice, short notice subpoenas, call-offs, or any other change in status will be communicated to the employee via his/her department-issued cell phone. Witnesses should regularly check voice mail for updated subpoena information. Any employee accepting a subpoena from a person other than the subpoena clerk, shall immediately provide a copy of the subpoena to the designated subpoena clerk. The subpoena clerk shall maintain a chronological log of all Department subpoenas and provide a copy of the subpoena to each involved employee.

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the Department Subpoena Clerk shall be authorized to accept service of a subpoena. Penal Code § 1328(c). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the Department Subpoena Clerk. The Subpoena Clerk shall maintain a chronological log of all Department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the Department Subpoena Clerk as well as a copy to the individually named employee.

#### **348.2.4 REFUSAL OF SUBPOENA**

- (a) Valid reasons for an individually named employee not accepting subpoenas include illness, previously approved out of county training, and vacations, which are scheduled and approved, before receipt of the subpoena. Regular scheduled days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually named employee from the subpoena clerk and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the subpoena clerk with a specified reason for refusal as well as the dates when the officer will become available. It shall then become the responsibility of the witness to notify the assigned Deputy District Attorney or other attorney of record of the bona fide unavailability of the employee.
- (b) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service.
- (c) If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual may refuse to accept service. (Penal Code § 1328(d)).
- (d) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance. (Penal Code § 1328(f))
- (e) When an employee is served a subpoena, the employee may only refuse the subpoena for the purposes of "training" if the training has been previously approved

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### *Court Appearance And Subpoenas*

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and it is out of county. An employee may not refuse a subpoena due to in-county training.

- (f) If an employee is on "I" time for a duty-related injury, and the employee's physician has not prohibited the employee's attendance at court, the employee may be served with the subpoena and the employee shall attend the court proceeding.

#### **348.2.5 COURT STANDBY**

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

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

#### **348.2.6 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Oxnard Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

#### **348.2.7 FAILURE TO APPEAR**

- (a) When the Department is notified that an employee of the Police Department under subpoena was late or failed to appear as scheduled, Professional Standards will check with police records to ensure that the employee was properly served. The Office of Professional Standards will maintain a record of employees who are late or failed to appear in court as scheduled.
- (b) Police Records will ensure that the officer was properly served and return the list of employees who were late or failed to appear in court to the Professional Standards Office within five working days.
- (c) The Office of Professional Standards will forward the list of employees who were late or failed to appear in court to the employee's Commander.
- (d) The Commander will assign the employee's sergeant to determine whether there was a valid reason for the employee being late or failing to appear in court as scheduled.

If the employee does not have a valid reason for being late or failing to appear in court the following action will be taken. These actions may be modified based upon other instances of employee misconduct.

- (a) First occasion - the employee will receive an inspection report.
- (b) Second occasion within a 12-month period - the employee will receive a letter of reprimand that will be placed in the employee's personnel file for one year.
- (c) Subsequent occurrences within a 12-month period - may result in progressive disciplinary action that may include a suspension without pay.

# Oxnard Police Department

## Policy Manual

### *Court Appearance And Subpoenas*

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#### **348.2.8 NOTIFICATION OF FTA'S**

The Ventura County District Attorney representative at the Oxnard Police Department will be notified when an officer at the Department failed to appear in court. The representative will then notify the Professional Standards, who in turn will notify the appropriate supervisor or manager for the offending officer. The failure to appear will then be handled according to Policy Manual § 348.27.

#### **348.3 CIVIL SUBPOENAS**

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

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

#### **348.3.1 PROCEDURE**

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

#### **348.3.2 CIVIL SUBPOENA ACCEPTANCE**

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

#### **348.3.3 PARTY MUST DEPOSIT FUNDS**

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

#### **348.4 OVERTIME APPEARANCES**

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

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

#### **348.5 COURTROOM PROTOCOL**

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

#### **348.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed officer shall review any relevant reports, audio and/or video recordings, and a photograph of the suspect(s) to become familiar with the case and to be prepared for court.

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### *Court Appearance And Subpoenas*

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#### **348.5.2 COURTROOM ATTIRE**

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, dress pants, and dress shoes. Suitable business attire for female employees would consist of a dress jacket, dress blouse, skirt or slacks, and dress shoes.

#### **348.6 COURTHOUSE DECORUM**

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

#### **348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

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

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

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

#### **348.8 COURT OVERTIME**

##### **348.8.1 OPOA EMPLOYEES**

For employees represented by OPOA, a four-hour minimum applies to court overtime under the following conditions. The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

- (a) The four-hour minimum applies when called to appear in court while off duty.
  1. If an employee appears in court at 10:00 a.m. and completes the case(s) after 11:00 a.m. and must appear by 2:00 p.m. on another case, it will not be considered a second call-out.
  2. If an employee appears in court at 8:00 a.m. and completes the case after 11:00 a.m. and must appear by 2:00 p.m. on another case, it will be considered a second call-out.
  3. The period set aside for lunch will not be considered as overtime.
  4. The four-hour minimum does not apply immediately preceding or at the end of a regular duty tour. Compensation will be based on the time spent in court only.

##### **348.8.2 OTHER EMPLOYEES**

For all other employees, a two-hour minimum applies to court overtime under the following conditions.

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## Policy Manual

### *Court Appearance And Subpoenas*

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- (a) The two-hour minimum applies when called to appear in court while off duty.
  - 1. If an employee appears in court at 0900 a.m. and completes the case(s) after 0930 a.m. and must appear by 1030 a.m. on another case, it will not be considered a second call-out.
  - 2. If an employee appears in court at 8:00 a.m. and completes the case after 10:00 a.m. and must appear by 2:00 p.m. on another case, it will be considered a second call-out.
  - 3. The period set aside for lunch will not be considered as overtime.
  - 4. The two-hour minimum does not apply immediately preceding or at the end of a regular duty tour. Compensation will be based on the time spent in court only.

## **Reserve Officers**

### **350.1 PURPOSE AND SCOPE**

The Oxnard Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

### **350.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS**

The Oxnard 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.

#### **350.2.1 PROCEDURE**

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have minimally completed, or be in the process of completing, a POST approved Level II Reserve Academy.

#### **350.2.2 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.

#### **350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS**

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

#### **350.2.4 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 C.F.R.553.30).

### **350.3 DUTIES OF RESERVE OFFICERS**

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Services Bureau. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

# Oxnard Police Department

## Policy Manual

### *Reserve Officers*

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#### **350.3.1 POLICY COMPLIANCE**

Reserve police 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.

#### **350.3.2 RESERVE OFFICER ASSIGNMENTS**

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

#### **350.3.3 RESERVE COORDINATOR**

The Chief of Police shall delegate the responsibility for administering the Reserve Unit 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 Unit.
- (g) Maintaining liaison with other agency reserve coordinators.

#### **350.3.4 ASSISTANT RESERVE OFFICER COORDINATORS**

The Chief of Police shall delegate the responsibility for administering the Reserve Unit to the Reserve Coordinator and the Reserve Coordinator will be assisted by the Assistant Reserve Coordinator(s).

The Assistant Reserve Coordinator(s) shall have the responsibility of, but not limited to:

- (a) Actively recruit reserve officers, and be a recruiting contact at the police department.
- (b) Assist with the Reserve Academy as a proctor for critical incident scenarios.
- (c) Complete evaluations and act as a first line supervisor for reserve officers.
- (d) Maintain time sheets and riding logs for reserve officers.
- (e) Schedule and organize meetings and details for the Reserve Unit.
- (f) Liaison with in-house training staff to provide meaningful training to the reserve officers.
- (g) Act as a squad leader for five to ten reserve officers.
- (h) All other duties as assigned.

#### **350.4 FIELD TRAINING**

Penal Code § 832.6(a)(2) requires Level I reserve officers, who have not been released from the immediate supervision requirement per Policy Manual § 350.4.7, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

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# Oxnard Police Department

## Policy Manual

### *Reserve Officers*

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#### **350.4.1 TRAINING OFFICERS**

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

#### **350.4.2 PRIMARY TRAINING OFFICER**

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be an Assistant Reserve Officer Coordinator. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

#### **350.4.3 FIELD TRAINING MANUAL**

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Oxnard 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.

#### **350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE**

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

#### **350.4.5 SECONDARY TRAINING PHASE**

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will be required to ride with an Assistant Reserve Officer Coordinator, an officer who is or has been an FTO (Field Training Officer), or any officer designated by the Reserve Officer Coordinator or his designee.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

#### **350.4.6 THIRD TRAINING PHASE**

Phase III of training shall consist of 24 hours of additional on-duty training. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

# Oxnard Police Department

## Policy Manual

### *Reserve Officers*

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#### **350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS**

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now ride with any officer designated by the Reserve Officer Coordinator or his designee for the remaining 200 hour requirement for a total of 484 hours.

#### **350.5 SUPERVISION OF RESERVE OFFICERS**

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6(a)(2)). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of a bureau chief.

##### **350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the bureau chief, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the bureau chief, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

##### **350.5.2 RESERVE OFFICER MEETINGS**

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

##### **350.5.3 IDENTIFICATION OF RESERVE OFFICERS**

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

##### **350.5.4 UNIFORM**

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

##### **350.5.5 INVESTIGATIONS AND COMPLAINTS**

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Field Services Bureau Chief.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to a hearing is limited to the opportunity to clear his/her name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the policy manual.

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#### **350.5.6 RESERVE OFFICER EVALUATIONS**

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

#### **350.6 FIREARMS REQUIREMENTS**

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

##### **350.6.1 CARRYING WEAPON ON DUTY**

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on duty. It is the policy of this department to allow reserves to carry firearms only while on duty or to and from duty.

##### **350.6.2 CONCEALED FIREARMS PROHIBITED**

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all field training (as outlined in Policy Manual § 350.4), has served a minimum of two years of service, and is good standing, 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 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 with the Oxnard Police Department Reserve Officer Program.

##### **350.6.3 RESERVE OFFICER FIREARM TRAINING**

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of firearms training proficiency as outlined in Policy Manual § 314.2. Should a reserve officer fail to qualify pursuant to Policy Manual § 312.4, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

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#### **350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

## Field Training Program

### 351.1 PURPOSE AND SCOPE

To establish operational guidelines for the Field Training Program that meet the standards set by the California Commission of Peace Officer Standards and Training (POST).

### 351.2 METHOD

The Field Training Program is fair, firm, friendly, and professional. It is dedicated to providing a positive learning environment for trainees.

- (a) Field Training Officers (FTOs) are entrusted with the responsibility of shaping the future of the Oxnard Police Department through the care and training of new officers.
- (b) FTOs will set a positive example for trainees and other employees of the Department.
- (c) FTOs will objectively evaluate trainees based upon specific performance by creating Daily Observation Reports (DOR's) that provide a constructive record of trainee progress.
- (d) Trainees will be treated with dignity and respect. FTOs will create opportunities for the trainees to demonstrate the ability to meet Department standards.
- (e) The FTOs objective of developing a well-trained and competent professional will be accomplished by teaching, mentoring, and monitoring.

### 351.3 PROGRAM STRUCTURE

The Field Training Program is part of the Field Services Bureau (FSB).

- (a) The FTO Staff will consist of a commander as program manager and selected sergeants who will serve as Field Training Sergeants.
- (b) FTOs will be selected from the ranks of Police Officer II in the Field Services Bureau.
- (c) When the demand for FTOs exceeds program resources, former FTOs who comply with POST educational requirements may be pressed into service as "Temporary FTOs" for as little as one shift or as long as one cycle.

### 351.4 JOB DESCRIPTION

#### 351.4.1 FIELD TRAINING COMMANDER

The Field Training Commander is responsible for all the personnel and activities within this POST-certified program. Ultimately, the success or failure of the FTO Program rests with the Field Training Commander.

#### 351.4.2 FIELD TRAINING SERGEANT

The FTO Sergeants supervise the FTOs directly. As such, the FTO Sergeants shall be committed to teaching and developing the FTOs. FTO Sergeants ensure that FTOs create a positive learning environment for the trainees while closely monitoring the progress of trainees. The FTO Sergeants will meet with assigned trainees at the conclusion of each monthly training phase.

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#### **351.4.3 FIELD TRAINING OFFICER**

FTOs train, motivate, lead, and evaluate trainees. FTOs act as a trainee's immediate supervisor. FTOs must set a positive example for trainees, making every effort to create a positive learning environment. Strict adherence to proper procedure and Department policy is critical. Officers appointed to the Field Training Program must:

- (a) Possess the ability to communicate as an instructor.
- (b) Demonstrate clear, concise, and effective writing ability.
- (c) Work flexible hours to meet the needs of the trainee and program.
- (d) Handle other training demands such as: preparation and presentation of lesson plans during roll call training; coordination of the Pre-Academy and Pre-Field Training programs; research, develop, and/or update training manuals.
- (e) Serve as a mentor for Oxnard Police Department cadets while in the academy.
- (f) Maintain job performance that meets Oxnard Police Department standards.
- (g) Maintain a professional appearance.
- (h) Demonstrate sensitivity to the racial, ethnic, and cultural differences of trainees.
- (i) Demonstrate sensitivity to the special training needs of individual trainees.
- (j) Model the Community Oriented Policing philosophy embraced by the Oxnard Police Department.
- (k) Support the philosophies and operational directives of the Oxnard Police Department.

#### **351.5 SELECTION PROCESS**

##### **351.5.1 COMMANDER**

The commander will be selected and appointed by the FSB Chief. The FTO Commander will serve as long as bureau chief sees fit, or until a change of assignment brings change to the program.

##### **351.5.2 FIELD TRAINING SERGEANT**

Field Training Sergeants will be selected by the FTO Commander and by the FSB Chief with concurrence of the Chief of Police.

##### **351.5.3 FIELD TRAINING OFFICER**

- (a) Minimum Qualifications
  1. Tenure as described in §1003.2(b).
  2. A minimum of 30 college units or an Intermediate POST Certificate.
  3. Written recommendation of his/her current supervisor as described in §1003.2(d).
  4. An applicant's primary assignment must be in the Patrol Division.
  5. District PO II's and CBD PO II's are eligible to apply
  6. School Resource Officers are not eligible to apply.
- (b) Selection Process
  1. A notice will be posted and distributed pursuant to §1003.2(a).

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### *Field Training Program*

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2. Interested Police Officer II's shall submit a resume along with a memo expressing interest pursuant to §1003.2(c). An FTO application may also be required.
3. An evaluation of candidates by the FTO commander and sergeants will take place.
4. At the direction of the FTO commander, a panel will convene to interview the FTO applicants.
5. The FTO Commander will review the ranking of the panel and recommend applicants for appointment to the FSB Chief.
6. The FSB Chief will make a selection with the concurrence of the Chief of Police.
7. The selection will be based, in part, on the following criteria:
  - (a) Demonstrated past performance (evaluations, discipline, attendance, etc.).
  - (b) Best interests and/or needs of the program.
  - (c) Experience, including recency.
  - (d) Training.
  - (e) Seniority.
8. FTO staff will notify officers selected for appointment. Candidates may request information on his/her performance at the conclusion of the selection process pursuant to §1003.2(g).

#### **351.6 FTO COMPENSATION**

(a) Field Training Officer

1. Officers assigned to the FTO program receive 20 hours of compensatory time off per calendar year. This time is credited to his/her leave back at a rate of 10 hours semiannually.
2. Active FTOs receive \$125.00 biweekly.

(b) Temporary Field Training Officers

1. Temporary FTOs will not receive compensatory time. He/she will receive the additional \$125.00 biweekly compensation in the event that he/she trains for a period of at least two consecutive weeks. If a temporary FTO trains for a period of less than two weeks, he/she will not be eligible for additional compensation.

(c) FTO Sergeants

1. Sergeants assigned to the FTO program will be entitled to receive 20 hours of compensatory time off per calendar year.

#### **351.6.1 LENGTH OF ASSIGNMENT FOR OFFICERS AND SERGEANTS**

Length of assignment, possible extensions, reapplication, and maximum length of time in the Field Training Program is covered in Policy Manual §1003.

#### **351.7 DISCIPLINE AND REMOVAL**

FTOs are responsible for:

- (a) Appropriate and timely documentation of trainee performance .
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# Oxnard Police Department

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- (b) Attending regularly scheduled meetings.
- (c) Being effective trainers.
- (d) Maintaining an overall above-average score on his/her biannual performance evaluations.

Failure to fulfill the foregoing responsibilities or otherwise comply with department policy may result in disciplinary action including, but not limited to, removal from the Field Training Program.

#### **351.8 FTO INSIGNIA**

Pursuant to §1046.4(h)2, the approved FTO insignia must be worn at all times while in uniform. Insignia shall only be worn by those officers occupying full-time FTO assignments.

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## Outside Agency Assistance

### 352.1 PURPOSE AND SCOPE

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

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

#### 352.1.1 ASSISTING OUTSIDE AGENCIES

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

When such assistance is rendered, a case number will be issued and a report generated to detail action taken by Oxnard Police Department personnel.

#### 352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive. The Watch Commander will be notified.

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

### 352.2 MUTUAL AID

If there is a need for mutual aid and Oxnard Police Department personnel will be utilized, the request will come from the Ventura County Sheriff Watch Commander. The on-duty Oxnard Police Department Watch Commander may immediately send a Level 1 response, i.e. [REDACTED]. The Duty Chief will be notified thereafter. The on-duty Oxnard Police Department Watch Commander may, after consultation with the Duty Chief, provide a Level 2 response, i.e. [REDACTED]. A Level 2 response ideally is sent within six hours of the request.

Where the Oxnard Police Department requests mutual aid, the Ventura County Sheriff Watch Commander must first be contacted. The incident location, type of disturbance or situation, number of participants (when the incident is a disturbance or other civil unrest), anticipated duration of deployment, command post location, staging area, and call back

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number will be provided. The Duty Chief will be notified when mutual aid is requested by the on-duty Oxnard Police Department Watch Commander.

## Automatic External Defibrillator

### 355.1 PURPOSE AND SCOPE

The Automatic External Defibrillator (AED) is a portable device used to deliver an electric shock through the chest wall to the heart during a specific type of cardiac arrest.

This policy does not establish a mandatory duty to use the AED.

Use of the AED is subject to the discretion of trained officer users based on an evaluation of the total circumstances.

### 355.2 USE AND REPORTING

Any department employee who has successfully completed authorized training may use the AED. Training on the AED may be included in First Aid/CPR training courses provided by the Department and the AED coordinator.

#### 355.2.1 OPERATIONAL RESPONSIBILITIES

The Department will maintain an AED Program Coordinator who will provide:

- (a) Training guidelines for proper AED operation.
- (b) Procedures for the selection and use of equipment.
- (c) Coordination and inspection, repair, and maintenance of AED's.

The Department's Personnel and Training Unit shall:

- (a) Ensure that all training requirements are met.
- (b) Maintain AED personnel training records.

AED trained personnel shall:

- (a) Utilize AED units according to the procedures outlined in the Red Cross First Aid Standards.
- (b) Report any use of AED equipment to the AED Program Coordinator, his/her supervisor, and the Watch Commander.
- (c) Complete the proper police report when the AED is used and forward a copy to the AED Program Coordinator.

#### 355.2.2 IMMEDIATE SUPERVISOR RESPONSIBILITY

When an AED is used, the immediate supervisor shall review and send the appropriate police report to the AED Program Coordinator. The AED Program Coordinator will ensure the proper download of information and have the AED device inspected prior to being placed back into service.

The AED Program Coordinator will be responsible for coordinating the review of device deployment with the physician overseeing the program.

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### *Automatic External Defibrillator*

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#### **355.3 INSPECTIONS AND REPAIR**

Each AED location shall have an assigned administrator who will maintain inspection compliance and notify the Department coordinator of malfunctions. The location administrator will be appointed by the AED Program Coordinator. The assigned location administrator shall check and maintain the AED (battery expiration, malfunctions, and general condition) on a monthly basis. Replacement batteries, electrodes, and/or repair can be ordered through the AED Program Coordinator.

## Registered Offender Information

### **356.1 PURPOSE AND SCOPE**

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

### **356.2 POLICY**

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

### **356.3 REGISTRATION**

The Investigative Services Bureau Commander or his/her designee, 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. Employees assigned to register offenders should receive appropriate training regarding the registration process.

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

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

#### **356.3.1 CONTENTS OF REGISTRATION**

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

### **356.4 MONITORING OF REGISTERED OFFENDERS**

The Investigative Services Bureau Commander or his/her designee, 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.
- (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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### *Registered Offender Information*

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The Investigative Services Bureau Commander or his/her designee, should also establish a procedure to routinely disseminate information regarding registered offenders to Oxnard Police Department personnel, including timely updates regarding new or relocated registrants.

#### **356.5 DISSEMINATION OF PUBLIC INFORMATION**

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

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

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

##### **356.5.1 RELEASE OF INFORMATION TO CAMPUS COMMUNITY**

Campus police, or, if no campus police exist, the law enforcement agency having jurisdiction, may provide public notification to anyone in the campus community if it is determined that a sex offender poses a risk to the public (Penal Code § 290.45). Once a determination of public risk is made, specific information may be released as enumerated in in Penal Code § 290.01.

##### **356.5.2 DISSEMINATION OF PUBLIC INFORMATION DISCLAIMER**

The purpose of disseminating information regarding sex offenders is to assist members of the public to protect themselves and their children from sex offenders. The crime for which a person is convicted may not accurately reflect the level of risk posed by a sex offender, and information contained in any notification cannot be used to harass registrants. Any person who uses the dissemination of public information to commit a crime may be subject to fine and incarceration (Penal Code § 290.46).

## Major Incident Notification

### 358.1 PURPOSE AND SCOPE

Incidents that are significant in nature and that fall into listed criteria require notification to certain members of the Department. It is critical that staff members are informed of certain incidents in order to apprise his/her superiors and properly address inquiries from members of the press.

### 358.2 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 chief. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- (a) Homicides.
- (b) Traffic collisions with fatalities.
- (c) Officer-involved shooting - on or off duty (see Officer-Involved Shooting Policy for special notifications).
- (d) Significant injury or death to employee - on or off duty.
- (e) Death of a prominent Oxnard official.
- (f) Arrest of a department employee or prominent Oxnard official.
- (g) Aircraft crash with major damage and/or injury or death.
- (h) In-custody deaths.
- (i) V.I.P. contacts that are newsworthy or aggravated.
- (j) Employee involved incidents where serious misconduct may be involved.

### 358.3 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. Notification should be made by calling the home telephone number first, the cellular telephone number next, and then by any other available contact numbers.

#### 358.3.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Duty Chief shall be notified. Additionally, a brief email from the Watch Commander should be sent to the command staff to advise them of the incident/situation.

#### 358.3.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted, who will then contact the appropriate detective.

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### *Major Incident Notification*

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#### **358.3.3 TRAFFIC BUREAU NOTIFICATION**

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified, who will then contact the Traffic Collision Investigator. The Traffic Sergeant will notify the Special Projects Commander.

#### **358.3.4 COMMUNITY AFFAIRS MANAGER (PIO)**

The Community Affairs Manager or a Public Information Officer shall be called after members of staff have been notified, and it appears the media may have a significant interest in the incident.

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## Death Investigation

### 360.1 PURPOSE AND SCOPE

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

### 360.2 INVESTIGATION CONSIDERATIONS

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

#### 360.2.1 MEDICAL EXAMINER 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. In Ventura County the coroner referred to by statute is called the Medical Examiner. The Medical Examiner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

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- (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 Medical Examiner.

#### **360.2.2 SEARCHING DEAD BODIES**

The Medical Examiner or Deputy Medical Examiner 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 Medical Examiner 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 Medical Examiner or a designee; the investigating officer shall first obtain verbal consent from the Medical Examiner 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 Medical Examiner 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 Medical Examiner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

#### **360.2.3 DEATH NOTIFICATION**

In Ventura County, the primary organization performing death notifications is the Medical Examiner's Office. If not handled by the Medical Examiner'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 Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

#### **360.2.4 UNIDENTIFIED DEAD BODIES**

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

#### **360.2.5 DEATH INVESTIGATION REPORTING**

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

#### **360.2.6 SUSPECTED HOMICIDE**

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigative Services Bureau shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

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#### **360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES**

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone or teletype with all pertinent information (8 CCR 342(b)).

#### **360.2.8 HAZ-MAT/BODILY FLUID CLEAN-UP RESPONSIBILITIES**

Public Areas - In the event of an accidental discharge of blood or other bodily fluids from a medical issue occur, employees should contact Ventura County Fire Dispatch, who will in turn notify Ventura County Environmental Health for clean-up.

In the event of a discharge of a small quantity (1' x 1' or less) of blood or other bodily fluids from a police related incident occur, Oxnard Fire Department can perform the clean-up. If the area contaminated is larger, then officers should notify the Watch Commander so that an approved vendor may be contacted to perform the clean-up. The name and phone number of approved vendors is maintained in the Watch Commander's office, or can be obtained through Investigative Services.

Private Areas - The owner of the private area should be provided the name and number of vendors capable of providing clean-up services by the officer on scene. Vendor information may be obtained from a supervisor or the Watch Commander.

## Identity Theft

### **362.1 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.

### **362.2 REPORTING**

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.5) shall initiate a crime report by observing the following:
  1. If the victim resides or does business within the jurisdiction of this department, but the crime occurred in another jurisdiction, an identity theft report shall be taken pursuant to Penal Code § 530.6. The report shall be taken as a "courtesy report," so the report can be forwarded to the investigating jurisdiction. The victim may be advised of the option of going directly to the agency having jurisdiction for the investigation (e.g. the crime occurred in a neighboring city such as Ventura) to avoid the processing delay of forwarding a report to the other agency.
  2. If the crime occurred within the jurisdiction of this department, then the report shall be taken in the same manner as all crime reports taken without regard to where the victim resides or does business.
- (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

### 364.1 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.

### 364.2 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.

### 364.3 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.

### 364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
  2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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### *Private Persons Arrests*

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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(b)(1).

#### **364.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, officers shall complete a narrative report regarding the circumstances and disposition of the incident. Relative evidence will be photographed and collected, and all material witnesses will be located, identified, and interviewed.

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## **Anti-Reproductive Rights Crimes Reporting**

### **366.1 PURPOSE AND SCOPE**

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

### **366.2 DEFINITIONS**

Penal Code § 423.2 provides that every person who, except a parent or guardian acting towards his or her minor child or ward, commits any of the following acts shall be subject to the punishment specified in Penal Code § 423.3:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (b) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.
- (c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.
- (d) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.
- (e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.
- (f) Intentionally damages or destroys the property of a place of religious worship.

### **366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL**

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigative Services Bureau Commander.
- (c) By the tenth day of each month, it shall be the responsibility of the Investigative Services Bureau Commander or designee to ensure that a Summary Worksheet

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### *Anti-Reproductive Rights Crimes Reporting*

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(BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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## Limited English Proficiency Services

### 368.1 PURPOSE AND SCOPE

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

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

### 368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice *LEP Guidance to Federal Financial Assistance Recipients* available at the DOJ [website](#) in determining which measures will provide reasonable and meaningful access to

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### *Limited English Proficiency Services*

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

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

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

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

#### **368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE**

The Department will utilize all reasonably available tools when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

#### **368.3 TYPES OF LEP ASSISTANCE AVAILABLE**

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

##### **368.3.1 BILINGUAL PERSONNEL**

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

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

##### **368.3.2 WRITTEN FORMS AND GUIDELINES**

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The

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Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

#### **368.3.3 AUDIO RECORDINGS**

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

#### **368.3.4 TELEPHONE INTERPRETER SERVICES**

The Watch Commander and the Communications Manager will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

#### **368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION**

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

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

#### **368.4 LEP CONTACT SITUATIONS AND REPORTING**

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

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

##### **368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

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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.

#### **368.4.2 EMERGENCY CALLS TO 9-1-1**

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known, and a language-appropriate authorized interpreter is available in the Communications Center, the call-taker should immediately connect the LEP caller to the interpreter.

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

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

#### **368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS**

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

Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

#### **368.4.4 INVESTIGATIVE INTERVIEWS**

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

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

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#### **368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS**

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

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

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

#### **368.4.6 COMPLAINTS**

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

#### **368.4.7 COMMUNITY OUTREACH**

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

#### **368.5 TRAINING**

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

#### **368.6 INTERPRETERS AND TRANSLATORS**

Department personnel who are called upon to interpret, translate, or provide other language assistance will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

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- (a) **Assessment:** The Oxnard Police Department personnel identified as bilingual, who are willing to act as authorized interpreters, will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Personnel and Training Sergeant. Personnel found proficient in interpreting into and from the target language will be placed conditionally on the authorized interpreters list.
- (b) **Training:** All personnel conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the authorized interpreter list. 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 advisor.
- (c) **Refresher course for authorized interpreters:** Personnel who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. The Personnel and Training Unit shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

### **368.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES**

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- (a) A list of department employees who are bilingual, languages spoken, and contact and shift information.
- (b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information.
- (c) The telephone number and access code of telephonic interpretation services.
- (d) Language identification cards.
- (e) Translated *Miranda* warning cards and other frequently used documents.
- (f) Audio recordings/warnings that are developed in non-English languages.

## Language Line Translation Services

### **369.1 PURPOSE AND SCOPE**

To outline procedures for securing necessary translation services for police contacts with persons who do not speak English, and establish policy governing the proper use of the AT&T Language Line Service.

### **369.2 POLICE-RELATED TRANSLATION SERVICES**

When department personnel encounter the need for translation services for a legitimate police interest, the situation should be handled as outlined in Policy Manual § 368. When bilingual assistance is not otherwise available, personnel may use the AT&T Language Line Service for translation assistance.

### **369.3 LANGUAGE LINE GENERAL INFORMATION**

AT&T Language Line Service provides the Department with access to interpreters who speak more than 140 languages. The service is available around-the-clock. By using a toll free number, department personnel are connected to a skilled interpreter who is trained and experienced in handling law enforcement situations. The current cost of the service is 94 cents per minute. Personnel can initiate the call to the Language Line Service from a home, business or the station.

### **369.4 LANGUAGE LINE PROCEDURE**

With the permission of the Watch Commander or field supervisor, Language Line Service may be used to interview and obtain enough information from a victim to make a crime report or to deal with other serious matters such as lost children. Personnel using this service shall keep use of the service to a minimum. The service is not to be used to handle or explain civil matters; it is intended for emergency services and criminal matters only. When there is no other bilingual assistance available, personnel should:

- (a) Present the person with the Language Identification Guide if their language is in question. This card makes it possible for the person to point to his/her language so the officer will know exactly what language to ask for when they call the Language Line Service.
- (b) After determining the language needed, call (800) 523-1786, provide the agency I.D. number (901027) and name (Oxnard Police Department), followed by the employee's four-digit ID number.
- (c) It is best to use two phones connected to the same outgoing line. If that is not possible, use a speaker phone if available, or a single phone passed back and forth at the interpreter's prompt. Speaker phones are available for use in the patrol sergeants' office.

### **369.5 LANGUAGE LINE USE TIPS**

- (a) If it is not known which language to request, the representative will help.
- (b) Provide the Interpreter specific questions to relay. Group thoughts or questions to help the conversation flow quickly.

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### *Language Line Translation Services*

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- (c) Expect interpreted comments to run a bit longer than English phrases. Interpreters convey meaning-for-meaning, not word-for-word. Concepts familiar to English speakers often require explanation or elaboration in other languages and cultures.
- (d) Interpreters identify themselves by first name and number only. For reasons of confidentiality, they do not divulge either their full names or phone number.
- (e) To hear a recorded demonstration of over-the-phone interpretation, call the AT&T Language Line Service demonstration line at (800) 996-8808 or visit their website at [www.language.com](http://www.language.com).

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## Hearing Impaired/Disabled Communications

### 370.1 PURPOSE AND SCOPE

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

### 370.2 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- (a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.
- (b) The nature of the disability (e.g., total deafness or blindness vs. impairment)
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.)
- (d) Availability of resources to aid in communication

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

#### 370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

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

### 370.3 TYPES OF ASSISTANCE AVAILABLE

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

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

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department employees are encouraged to use available resources during contacts with a known or suspected disabled or hearing impaired person.

#### **370.3.1 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**

While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

#### **370.4 CONTACT SITUATIONS AND REPORTING**

While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any employee of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

##### **370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

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

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

##### **370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS**

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

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within

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the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.
- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

#### **370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with a disabled or impaired individual. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

#### **370.4.4 COMMUNITY OUTREACH**

The Oxnard Police Department will continue to work with community groups, local businesses and neighborhoods to promote equal access to such programs and services to disabled individuals and groups.

#### **370.5 TRAINING**

The Oxnard Emergency Communications Center will provide update training every two years for all dispatch personnel pertaining to TDD/TTY devices integrated into the phone systems.

## **Mandatory School Employee Reporting**

### **372.1 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 (Penal Code § 291, § 291.1, and § 11591).

### **372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING**

In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code § 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of Health and Safety Code § 11054, or for any of the offenses enumerated in Penal Code § 290 or in subdivision 1 of Penal Code § 291 or Education Code § 44010, the Chief of Police or his/her designee is required to immediately report the arrest as follows:

#### **372.2.1 ARREST OF PUBLIC SCHOOL TEACHER**

Upon arrest for one of the above sections, 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.

#### **372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE**

Upon arrest for one of the above sections, 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.

#### **372.2.3 ARREST OF PRIVATE SCHOOL TEACHER**

Upon arrest for one of the above sections, 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.

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## Biological Samples

### 374.1 PURPOSE AND SCOPE

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

### 374.2 POLICY

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

### 374.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

### 374.4 PROCEDURE

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

#### 374.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

### 374.5 USE OF FORCE TO OBTAIN SAMPLES

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

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

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- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

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

#### **374.5.1 VIDEO RECORDING**

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

#### **374.5.2 CELL EXTRACTIONS**

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

#### **374.6 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

##### **374.6.1 DOCUMENTATION RELATED TO FORCE**

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

##### **374.6.2 BLOOD SAMPLES**

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

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

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#### **374.6.3 LITIGATION**

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

## Chaplains

### **376.1 PURPOSE AND SCOPE**

The Oxnard Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all employees of the Department, the families of employees, and members of the public as requested.

### **376.2 POLICY**

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

### **376.3 GOALS**

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

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

### **376.4 REQUIREMENTS**

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage his/her household, family, and personal affairs well. Must have a good reputation from those within the church and the community.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (d) Membership in good standing with the International Conference of Police Chaplains (ICPC).
- (e) Possess a valid California Drivers License.

### **376.5 SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a Chaplain:

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- (a) Appropriate written application.
- (b) Recommendation from his/her church elders, board, or council.
- (c) Interview with Chief of Police & Chaplain Supervisor.
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete a probationary period of one (1) year.

### **376.6 DUTIES AND RESPONSIBILITIES**

The duties of a Chaplain include, but are not limited to, the following:

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

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

Chaplains may not accept gratuities for any service or follow-up contacts that was provided while functioning as a Chaplain for the Oxnard Police Department.

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#### **376.7 CONFIDENTIALITY**

- (a) A Chaplain will not release any information on cases they work and any information secured will be held in confidence, used only for the benefit of the person involved.
- (b) The Chaplain shall be protected by the State of California's confidentiality law. Should an individual specifically take the Chaplain into his/her confidence, the Chaplain has the right to remain silent. However, should the Chaplain be told something that concerns Child Molestation or Spousal Abuse, the Chaplain will be expected to divulge the information.
- (c) In all circumstances, when the Chaplain is acting within the scope as "Chaplain", all conversations with the Chaplain are to be private and confidential, at all times, unless exempted by law.
- (d) It is absolutely prohibited to tape record or monitor, in any fashion, any conversation held between a Chaplain and any other person without the express written permission of the specific Chaplain and the person involved.
- (e) Members of the Oxnard Police Department Chaplain Corps shall not provide spiritual counseling to an in-custody suspect. If a suspect requests to speak to a member of the clergy, an Oxnard Police Chaplain can be asked to provide names of available non-police clergy member to talk to the suspect.

#### **376.8 COMMAND STRUCTURE**

- (a) Under the general direction of the Chief of Police or his/her designee, Chaplains shall report to the Chaplain Coordinator. The Chaplain Coordinator shall report to the Chaplain Liaison (designated sergeant).
- (b) The Chief of Police or his/her designee shall make all appointments to the Chaplain Unit. The Chaplain Coordinator shall be elected by his/her peers and subject to confirmation by the Chief of Police or his/her designee. The Chaplain Liaison shall be appointed by the Chief of Police or his/her designee.
- (c) The Chaplain Coordinator shall serve as the contact between the Chaplain Unit and the Chaplain Liaison. He/she will arrange for meetings, act as chair of all Chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and request training classes for Chaplains.

#### **376.9 OPERATIONAL GUIDELINES**

- (a) Generally, each Chaplain will serve with Oxnard Police Department personnel a minimum of eight hours per month.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Oxnard Police Department operations, provided the Watch Commander has been notified and approved of the activity.
- (c) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (d) In responding to incidents, a Chaplain shall never function as an officer.
- (e) When responding to in-progress calls for service, Chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (f) Chaplains shall serve only within the jurisdiction of the Oxnard Police Department unless otherwise authorized by the Chief of Police or his/her designee. Upon a request of mutual aid by allied agencies, the Chaplain shall contact the on-duty

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Watch Commander and advise of the request. Upon approval, the Chaplain shall advise dispatch upon arrival and departure from the location.

- (g) Each Chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each Chaplain will exercise appropriate security measures to prevent distribution of the information.
- (h) If any civil litigation arises out of the actions of a Chaplain acting in accordance with this policy, the Chaplain shall be afforded the necessary legal assistance available to any other part-time or full-time department personnel.

#### **376.9.1 UNIFORMS AND BADGES**

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by other uniformed personnel of this department. Chaplains are encouraged to wear their uniforms on all ride-alongs and call-outs.

#### **376.9.2 ON-CALL POLICE CHAPLAINS**

- (a) As volunteers with his/her own personal and professional commitments, the Chaplains are not mandated to be on-call every day and/or at all hours. For purposes of requesting a Chaplain for personal needs of a department or family member, or for a member of the general public, a rotational on-call list will be established and maintained in the Watch Commander's office.
- (b) The call-out list will list all available Chaplains and his/her contact numbers in the order in which he/she should be called upon, with a different Chaplain topping the list each month. If the first Chaplain listed is unable to respond, then the next Chaplain should be called until either an available Chaplain is reached, or the list is exhausted.
- (c) If the list is exhausted, the Watch Commander should consider requesting a Chaplain from another police or fire agency (PHPD, VCSO, OFD, VCFD, etc.).
- (d) The on-duty Chaplain may be called on to assist public safety personnel in a variety of situations, including but not limited to:
  - 1. Death notifications and assistance;
  - 2. Traffic collisions involving serious injury to provide comfort to the injured and their families;
  - 3. Attempted or potential suicide victims and/or families of victims;
  - 4. Domestic Violence - In these situations a Chaplain may wish to respond to the scene, make appointments for counseling or may make referrals as the need may indicate.
- (e) Chaplains will not be left alone at residences without the Watch Commander's approval and the agreement of the Chaplain.
- (f) Chaplains may be asked, but do so at their discretion, to:
  - 1. Conduct funerals;
  - 2. Perform weddings;
  - 3. As requested, may participate in community functions, ceremonies and act as a liaison between our agency and the community;
  - 4. Assist public safety personnel and the many people they contact in any other function of the clergy profession as requested.

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- (g) The on duty Chaplain, when called out, will notify the on-scene commander of his presence.
- (h) If a Chaplain responds to a scene that they become aware of through channels other than the Police Department, they shall call the Watch Commander and advise them that they are responding.

#### **376.9.3 EQUIPMENT**

Equipment issued by the Department includes:

- (a) Clip-on identification card.
- (b) Identification card for badge case.
- (c) Flat badge case with Chaplain's badge (May be purchased, if desired).
- (d) Chaplain's badge .
- (e) Chaplain's jacket and one white uniform shirt for ride-alongs.
- (f) Flashlight with charger.
- (g) Chaplain business cards.
- (h) Radio (with chargers).
- (i) Bullet resistant vest.
- (j) Rain gear (w/ "Chaplain" lettering on front and back).
- (k) One (1) regulation uniform with soft cap with gold strap and hat piece. (1 Long sleeve shirt/1 Short sleeve shirt, with gold buttons and name tag). Pair of gold religious emblems.

#### **376.9.4 INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS**

The International Conference of Police Chaplains (ICPC) is the leading organization of police chaplains throughout the world. Active membership in the ICPC allows police chaplains to remain current on a variety of important issues and provides a network of valuable resources within the law enforcement community. All Oxnard Police Department Chaplains will maintain membership in good standing with the ICPC. All dues related to their ICPC membership will be paid for by the department.

## **Police Storefront Access**

### **377.1 PURPOSE AND SCOPE**

This policy is intended to establish standardized guidelines for the use of police storefronts.

#### **377.1.1 DEFINITIONS**

For the purposes of this policy, storefronts are defined as storefronts, drop-in centers, annexes, and other facilities used by police personnel who are off-site from the station ■  
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#### **377.1.2 REQUIREMENTS**

All on-duty personnel shall advise communications when he/she is at any police storefront, and it is to be so recorded in a CAD entry. In the uncommon event of off-duty personnel having reason to stop in at a storefront, he/she shall notify the Watch Commander when arriving and leaving.

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## Public Safety Camera System

### 378.1 PURPOSE AND SCOPE

This policy describes the use and procedures for deployment of Public Safety Cameras, and does not apply to cameras used covertly during investigations. Placement of cameras in public buildings and areas open to the public contributes to public safety for community members by employing video surveillance systems ("systems") which utilize modern technologies available through video monitoring, storage and retrieval capabilities. The system is intended to result in the:

- (a) Rapid identification of persons responsible for crimes in view of a camera.
- (b) Deterrence of those who, but for the presence of a camera, might seize an opportunity to prey upon one another.
- (c) Successful prosecution of criminals whose activity is captured.

This system is not a panacea for crime; it will not prevent the actions of those who are determined to violate the rights or freedoms of others.

### 378.2 DESIGN SPECIFICATIONS

- (a) Systems used by the Department utilize multiple fixed and adjustable cameras focused on predetermined areas. Cameras will be situated in a manner and location that maximizes the field of view of public areas for public safety purposes only. Cameras may also be used in secure areas of public buildings not open to the general public. Camera placement will minimize the potential inadvertent capture of images from areas where there is a reasonable expectation of privacy.
- (b) In any location where a camera field of view may compromise a person's privacy expectation, a Professional Standards sergeant will review the camera's location and either make a recommendation to relocate the unit or to employ window-blanking technology (if available) to minimize the potential for video intrusion.
- (c) If the Department wishes to deploy video surveillance in a residential area, the residents of the neighborhood will be consulted.
- (d) The system shall be equipped with Pan-Tilt-Zoom (PTZ) cameras that allow operators to manipulate the framing or focal length of a video image for the specific purpose of monitoring suspicious persons, activities or as the result of a call for service.

### 378.3 RACIAL PROFILING/NON-DISCRIMINATION

No operator shall select any person for observation in view of the system based solely on their race, ethnicity or sex. The system shall only be used for purposes directly related to criminal or administrative investigations. The system shall not be used to track individuals arbitrarily or based on race, gender, ethnicity, sexual orientation, disability or other classifications protected by law.

Operators shall make specific observations of individuals based only on articulable reasonable suspicion that the person may be or may have been involved in criminal activity or as the result of a call for service to law enforcement of criminal activity in the area of the camera's viewing parameters.

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#### **378.4 USER ACCESS**

Persons designated by the Department as authorized system users shall receive training in order to access the system. Images stored on servers shall only be accessed and retrieved by authorized system users with prior approval from the system administrator in response to authorized criminal or administrative investigations.

#### **378.5 UNUSED VIDEO DATA**

Video data that is not retained for evidentiary purposes or based upon criminal or administrative investigations shall not be reproduced, distributed, provided or shown to other persons without the approval of the Chief of Police.

#### **378.6 VIDEO DATA AS EVIDENCE**

Video data retained for evidentiary purposes shall only be reproduced for the purpose of prosecution efforts. All copies shall be accounted for by the investigator responsible for maintaining case records related to the video data.

#### **378.7 PTZ CAMERA USAGE**

- (a) Any active, continual observation of an individual, employing PTZ cameras, shall be done as the result of reasonable suspicion of their involvement in criminal activity.
- (b) PTZ camera operators are responsible for protecting the public's right to privacy as delineated by Department policies.
- (c) PTZ camera operators are forbidden from looking at non-public areas and areas in which there is a reasonable expectation of privacy.
- (d) PTZ camera operations will be randomly audited for misuse violations.

#### **378.8 POLICY VIOLATIONS**

Unauthorized access or misuse of the system, unauthorized reproduction or distribution of system images will result in disciplinary action.

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## Child Safety Policy

### 380.1 PURPOSE AND SCOPE

The Oxnard Police Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian (Penal Code § 833.2(a)).

#### 380.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Oxnard Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

### 380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children 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 dependent minor children.
- (b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.
- (c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent 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 children that both parent and children will receive appropriate care.

#### 380.2.1 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, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any

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decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
  - 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
  - 2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
- (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
- (c) Notify Children and Family Services if appropriate.
- (d) Notify the field supervisor or Watch Commander of the disposition of minor children.

If children are at school or at a 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 parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

#### **380.2.2 DURING THE BOOKING PROCESS**

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)).

#### **380.2.3 REPORTING**

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

#### **380.3 CHILD WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and placing them with the appropriate county child welfare service or other department-approved social service (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child be left unattended or without appropriate care.

#### **380.4 TRAINING**

The Personnel and Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children participate, on a timely basis,

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in a POST-approved course on effective child safety when a parent or guardian is arrested (Penal Code § 13517.7).

## Service Animals

### 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Oxnard Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually 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 owner's disability (*28 CFR 35.104*).

California expands the definition of a service animal to include other animals that are individually trained to provide assistance to an individual with a disability (*Health and Safety Code § 113903*).

#### 382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are deaf or hard of hearing.
- (c) Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) 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.
- (g) 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.

### 382.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Oxnard Police Department affords to all members of the public.

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner 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 animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner 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 officer should ask the individual only the following questions:

- (a) Is the animal required because of a disability?
- (b) 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 person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

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.

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# Off-Duty Law Enforcement Actions

## **386.1 PURPOSE AND SCOPE**

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

## **386.2 POLICY**

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency. Once responding officers from that agency arrive, control of the scene shall be relinquished to them.

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

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

## **386.3 FIREARMS**

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

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

## **386.4 DECISION TO INTERVENE**

[REDACTED]

# Oxnard Police Department

## Policy Manual

### *Off-Duty Law Enforcement Actions*

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#### **386.4.1 INTERVENTION PROCEDURE**

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

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

#### **386.4.2 INCIDENTS OF PERSONAL INTEREST**

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

#### **386.4.3 CIVILIAN RESPONSIBILITIES**

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

#### **386.4.4 OTHER CONSIDERATIONS**

#### **386.5 REPORTING**

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

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

Oxnard Police Department  
Policy Manual

**Chapter 4 - Patrol Operations**

## **Patrol Function**

### **400.1 PURPOSE AND SCOPE**

The purpose of this policy is to define the functions of the patrol division of the Department to ensure intra-department cooperation and information sharing.

#### **400.1.1 FUNCTION**

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

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

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between Patrol and other units within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

#### **400.1.2 TERRORISM**

It is the goal of the Oxnard 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 detective assigned to Intelligence, and the appropriate detective supervisor in a timely manner.

### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various bureaus of the Oxnard Police Department.

# Oxnard Police Department

## Policy Manual

### *Patrol Function*

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#### **400.2.1 CRIME ANALYSIS UNIT**

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Division for distribution to all bureaus within the Department through daily and special bulletins.

#### **400.2.2 CRIME REPORTS**

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

#### **400.2.3 PATROL BRIEFINGS**

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

#### **400.2.4 INFORMATION CLIPBOARDS**

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

#### **400.2.5 BULLETIN BOARDS**

A bulletin board will be kept in the squad room and with the Investigative Services Bureau for display of suspect information, intelligence reports, and photographs. New Revision Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Revision Orders will be placed on the squad room clipboard.

### **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. 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.

## **Beat Coordinator Unit**

### **401.1 PURPOSE AND SCOPE**

To define the role of the Beat Coordinator position and to define the process of Problem Oriented Policing as used within the Department's philosophy of Community Oriented Problem Solving.

### **401.2 METHOD**

The general role of the Beat Coordinator position is set forth in a position classification description. Beat Coordinators are each assigned to one of the designated established beats. The primary goal of the Beat Coordinator officer, including patrol of his/her assigned beat, is a citizen-oriented approach in combating both real and perceived crime and the fear that stems from both.

(a) Community Oriented Problem Solving (C.O.P.S.)

1. Looking beyond the traditional police response approach to problem solving, the Beat Coordinator shall utilize a systematic process for examining and addressing community problems. This process requires identifying these problems in precise terms, researching each problem, documenting the nature of the current police response, assessing its adequacy and the adequacy of existing authority and resources, engaging in a broad exploration of alternatives to present responses, weighing the merits of these alternatives, and choosing from among them.
2. The Beat Coordinator shall implement the selected responses through available resources and will continually monitor the progress. The beat coordinator will coordinate his/her activities with the beat sergeant and the beat coordinator program commander. The beat coordinator will give direction to the patrol officers in these beat areas to assist in problem solving.

(b) Beat Coordinators shall also address the following tasks:

1. Identify and establish liaison with key community organizations. This will include, but not be limited to, neighborhood councils, homeowners and tenants associations, and special groups. The purpose of the liaison will be to continually monitor the concerns of the citizens and to provide direction for the officers assigned to these areas.
  2. Establish close contact with the Crime Analysis Unit in order to develop a detailed knowledge of criminal trends in these beats.
  3. Prepare a monthly beat problems report to include crime, traffic, and quality of life issues.
  4. Establish contact and maintain intra-bureau communication regarding crime patterns with all investigative units, detective supervisors, and the Violent Crimes Unit concerning individual offenders, crime patterns in the beat area, and other peculiarities of note.
  5. Establish contact with other City departments and public agencies in order to develop liaison within these agencies and establish them as a resource.
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# Oxnard Police Department

## Policy Manual

### *Beat Coordinator Unit*

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6. The Beat Coordinator may be responsible for certain staff duties. These include keeping time sheets, monitoring their flex time, and locating and maintaining storefronts/drop in center.
  7. Beat Coordinators should assist one another on common problems. Beat Coordinators who share districts are encouraged to have a close working relationship.
- (c) Beat Coordinators shall have certain limited supervisor responsibilities.
1. Beat Coordinators shall, in the absence of a ranking officer, assume supervisory responsibilities at major crime scenes and those situations requiring supervisory attention.
  2. Beat Coordinators may be assigned supervisory responsibility at certain special operations.
  3. The Beat Coordinator should set measurable goals for the beat. The building efforts should be employed to incorporate the officers assigned to the beat. The beat coordinator should establish on-going communication with his/her team members using regular meetings, newsletters, memos, voice messages and other means of communications.
  4. Beat Coordinators may delegate to officers assigned to his/her beat research, projects or details that directly relate to community oriented policing and problem solving within the beat. Such research, projects or details should not interfere with regular patrol responsibilities of the beat officer. Beat officers provided such assignments should maintain close contact with the beat coordinator concerning the progress of that assignment.
- (d) Beat Coordinators shall concern themselves with crime prevention and community relations within their beats.
1. Beat Coordinators may be called upon to meet with business groups, religious groups, and other special interest groups. He/she shall render assistance within the scope of his/her duties to these organizations.
  2. Beat Coordinators called upon to meet with any public group shall do so in a manner as to present a professional image to their audience.
  3. Uniform apparel for these appearances shall be presently designated uniform or contemporary business attire.
- (e) Chain of Command
1. The Beat Coordinator Unit is organizationally placed under the command of the Beat Coordinator Commander.
  2. The Beat Coordinator Unit is administratively directed by the designated Beat Coordinator Commander.
  3. The Beat Coordinator Unit is operationally under the direct control of the on-duty Watch Commander.
  4. A Beat Coordinator Sergeant will assist the Beat Coordinator Commander with oversight of the unit. This will be a collateral assignment.

### **401.3 COMMUNITY ORIENTED PROBLEM SOLVING (COPS) PROCESS**

Problem-oriented policing involves three themes: increased effectiveness by attacking underlying problems that give rise to incidents that consume patrol and detective time; reliance on the expertise and creativity of the line officers and detectives to study problems

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# Oxnard Police Department

## Policy Manual

### *Beat Coordinator Unit*

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carefully and develop innovative solutions; and, closer involvement with the public to insure that the police are in fact addressing the needs of the citizens. A systematic strategy, or problem solving process is required.

- (a) Officers should use the "S.A.R.A." problem solving process when investigating problems:
1. Scanning means looking for and identifying problems. Problems are defined as multiple incidents that are similar in nature and are having a negative impact on the quality of life in a neighborhood or community area. A broad and intensive view, over time, of a particular area or series of crimes needs to be undertaken. This includes identifying the underlying patterns and conditions seen by the community as a problem.
  2. Analysis is an in-depth inquiry into all aspects of the identified problem. It must be thorough, creative and innovative. Information must be collected and analyzed that identifies the actors, incidents and current responses involved in the problem. This information can be obtained from a variety of public and private sources, not just police data.
  3. Response is an action plan that describes tactics, strategies, goals and objectives. All available police units, public agencies and community members may be involved in the project. Solutions may go beyond traditional criminal justice system remedies and involve several non-police agencies and community groups.
  4. Assessment is an evaluation of the results and effectiveness of the response strategies. It is also built in much like a mile post to the response portion of the S.A.R.A. process. Findings should determine if the problem was solved or alleviated. If not, this portion of S.A.R.A. should address why there was no solution and recommend appropriate further action.
- (b) The problem-solving process is started and all appropriate analysis is completed.
1. If the originating officer is not a Beat Coordinator, he/she shall confer with the involved Beat Coordinator and patrol team.
  2. The officer and/or Beat Coordinator shall confer with the beat sergeant and obtain approval before proceeding. The supervisor shall inform his/her superior of the circumstances of this particular project.
  3. The problem analysis report (see Attached) should be completed and submitted through the chain of command for approval by the involved Watch Commander where the response involves comprehensive involvement of resources.
  4. The officer and/or appropriate team members will proceed with the project, completing periodic update reports and submit the final report.
  5. Copies of all reports should be forwarded, or warehoused, to the beat coordinator for use when similar problems arise.
- (c) The Role of the District Commander:
1. The District Commander shall attend and participate in district meetings to assure consistency in police activities among the beats.
  2. Have management responsibility for all police services in the district.
  3. Coordinate special activities and programs.
  4. Provide leadership in implementing department policies and strategies.
  5. Report periodically to the Field Services Bureau Chief.
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## Policy Manual

### *Beat Coordinator Unit*

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(d) The Role of The Beat Coordinator and Sergeant

1. The Beat Coordinator and District Sergeant have primary responsibility for determining which projects should be given priority over others.
2. Patrol Beat Teams will encounter many problems which affect the quality of the life of the residents in their beats.
3. Problems must be prioritized and dealt with in an effective manner.
4. The District Sergeant will report directly to the District Commander.

## **Racial/Bias Based Profiling**

### **402.1 PURPOSE AND SCOPE**

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

#### **402.1.1 DEFINITION**

Definitions related to this policy include:

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

### **402.2 POLICY**

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

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

### **402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED**

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

### **402.4 EMPLOYEE RESPONSIBILITY**

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

#### **402.4.1 REASON FOR DETENTION**

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

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

# Oxnard Police Department

## Policy Manual

### *Racial/Bias Based Profiling*

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#### **402.4.2 REPORTING TRAFFIC STOPS**

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

#### **402.5 SUPERVISOR RESPONSIBILITY**

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

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors should periodically review digital audio recordings, 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.
- (c) Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (d) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (e) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

#### **402.6 ADMINISTRATION**

Each year, the Administrative Services Bureau Chief shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police.

This report should not contain any identifying information regarding any specific complaint, citizen, or officers. It should be reviewed by the Chief to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

#### **402.7 TRAINING**

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

- (a) All sworn employees of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.
- (b) Pending participation in such POST-approved training and at all times, all employees of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn employee of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial and cultural trends (*Penal Code § 13519.4(i)*).

## **Bicycle Patrol**

### **403.1 PURPOSE AND SCOPE**

To establish operational guidelines for Oxnard Police Department's Bicycle Patrol Team.

### **403.2 TEAM STRUCTURE**

- (a) The Bicycle Patrol Team shall be structured as follows:
  - 1. Commander.
  - 2. Sergeant.
  - 3. Coordinator.
  - 4. Instructors.
  - 5. Police Officers - Bike trained.
  - 6. Reserve Police Officers - Bike trained.
- (b) The Bicycle Patrol Team Commander will provide management and resource allocation to the Team.
- (c) The Bicycle Patrol Team Sergeant will be responsible for the coordination of projects assigned to the Team and operational deployment.
- (d) The Bicycle Patrol Team Coordinator will assist the Sergeant and will be responsible for the assignment, maintenance, and upkeep of the equipment. The Coordinator will also be responsible for arranging required training and performing other essential tasks necessary for the efficient operation of the Team.
- (e) The Bicycle Patrol Team Instructors will take direction from the Coordinator and assist with facilitating bicycle patrol training, along with performing other essential tasks necessary for the efficient operation of the Team.
- (f) Upon selection to the Bicycle Patrol Team, police officers and reserve officers are required to successfully complete a California POST certified bicycle patrol course.

### **403.3 SELECTION PROCESS**

- (a) Bicycle Patrol Team Commander:
    - 1. The Bicycle Patrol Team Commander will be selected and appointed by the Field Services Bureau(FSB) Chief.
  - (b) Bicycle Patrol Team Sergeant:
    - 1. The Bicycle Patrol Team Sergeant will be selected and appointed by the Bicycle Patrol Team Commander, subject to the approval of the FSB Chief.
  - (c) Bicycle Patrol Team Coordinator:
    - 1. The Bicycle Patrol Team Sergeant and the Bicycle Patrol Team Commander select the Bicycle Patrol Team Coordinator, subject to the approval of the FSB Chief.
  - (d) Bicycle Patrol Team Instructor:
    - 1. Each Bicycle Patrol Team Instructor will be selected by the Bicycle Patrol Team Sergeant, subject to the approval of the Bicycle Patrol Team Commander.
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# Oxnard Police Department

## Policy Manual

### *Bicycle Patrol*

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- (e) Bicycle Patrol Team Member - Minimum Qualifications:
  - 1. Two years of paid law enforcement experience with at least one year with the Oxnard Police Department (not applicable to reserve officers).
  - 2. A willingness to work a flexible schedule, including overtime projects.
  - 3. A willingness and ability to perform minor maintenance on assigned police patrol bicycles.
  - 4. Maintain a level of physical fitness that ensures the safe and effective operation of a police bike.
  
- (f) Announcement - Approximately one month prior to the start of the selection process, notices announcing openings for Bicycle Patrol Team positions will be posted at the station. The announcement will include:
  - 1. A description of minimum qualifications.
  - 2. A description of procedures to follow when applying for the appointment.
  - 3. A deadline for the filing of applications, which will be at least two weeks prior to the beginning of the selection process.
  - 4. A description of the process by which applicants will be appointed.
  
- (g) Selection Process:
  - 1. The selection process will include a timed qualification ride. Applicants who successfully complete this ride will be eligible to continue in the application process.
  - 2. An interview may be given to applicants by an oral panel or the Bicycle Patrol Team Commander.
  - 3. A list of selected officers will be posted upon completion of the selection process.
  
- (h) Post-Selection:
  - 1. Upon selection to the Bicycle Patrol Team, the officer must successfully complete a prescribed twenty-four hour POST-approved bicycle patrol and safety course.
  - 2. Upon selection to the Bicycle Patrol Team, the officer must successfully complete scheduled qualification rides.

Officers that have successfully completed the POST-approved bicycle course independent of this department (e.g., laterals, etc.) must still go through the selection process in order to be selected to the Bicycle Patrol Team.

#### **403.4 STANDARDS AND TRAINING**

Bicycle patrol is physically demanding. All bicycle patrol officers are expected to maintain a level of physical fitness necessary to effectively carry out demands of bicycle patrol.

As a bench mark of the minimum levels of physical fitness necessary for bicycle patrol, bicycle patrol officers need to be able to complete a twenty mile ride in a two hour period. Additionally, bicycle patrol officers need to maintain their bicycle handling skills and must be able to maneuver a police bicycle through various slow speed obstacle courses. Bicycle patrol officers that are unable to meet the above described minimum levels of physical fitness and bicycle handling skills are subject to being suspended from participating in bicycle patrol activities until proficiency can be demonstrated.

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## Policy Manual

### *Bicycle Patrol*

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Bicycle patrol officers are strongly encouraged to routinely engage in off-duty physical fitness activities to maintain a level of physical fitness required to effectively perform the duties of bicycle patrol.

Bicycle patrol officers shall not ride a marked police bicycle while off-duty unless approved by the Bicycle Patrol Team Sergeant or Commander. Exceptions include official bicycle patrol events and activities such as qualification rides, training rides, competitions, maintenance, and the like.

All bicycle patrol officers using a police bicycle stored at the Oxnard Police Department are required to sign out, on the appropriate log, the police bicycle they are using during their deployment. Any damage or concern must be documented and reported to the Bicycle Team Coordinator and/or Bicycle Team Instructor(s). At the end of a bicycle patrol deployment, officers shall return the bicycles to the locker, charge the bicycle battery, and tidy up the locker so as to maintain an organized appearance.

Bicycle patrol officers shall not modify or outfit any police bicycle with any piece of equipment that has not been officially approved by Bicycle Patrol Team Staff.

All bicycle patrol officers are required to wear the prescribed bicycle uniform set forth in Policy Manual § 1046. While riding on-duty, bicycle patrol officers shall wear a helmet, gloves and protective eye wear as part of their uniform.

- (a) Helmets shall meet or exceed ANSI or Snell standards.
- (b) Gloves shall protect the palms, have open fingertips and be all black in color.
- (c) Eye wear shall have shatterproof lenses

## **Briefing**

### **404.1 PURPOSE AND SCOPE**

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 Revision Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### **404.2 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/her absence or for training purposes.

### **404.3 BRIEFING TRAINING**

As a guideline, briefing generally lasts no longer than 30 minutes total. Training should be held during daily briefings and should generally take no more than 15 to 20 minutes of the total briefing. Briefing training will be structured and distributed at the end of the previous month. All briefing training shall be approved by the Personnel and Training Sergeant or any supervisor present during the briefing.

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## **Crime And Disaster Scene Integrity**

### **406.1 PURPOSE AND SCOPE**

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

### **406.2 CRIME AND DISASTER SCENE RESPONSIBILITY**

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor. Crime scenes when designated are off-limits except to proper law enforcement and public safety personnel as allowed by the officer-in-charge. This includes the command post for the crime scene.

Disaster scenes as defined and designated per Penal Code § 409.5, deal with certain menaces to the public health or safety, and are created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster. Officials may close the area where the menace exists for the duration by means of ropes, markers, or guards to any and all persons not authorized by the official to enter or remain within the enclosed area. Disaster scenes are still open to media representatives pursuant to Penal Code § 409.5(d) and Policy Manual § 346.3.

In accordance with Penal Code § 409.5(b), command posts at both crime scenes and disaster scenes may be closed. This includes the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity, or any riot or other civil disobedience. It may be closed to any and all unauthorized persons pursuant to the conditions set forth in the mentioned section whether or not the field command post or other command post is located near the actual calamity or riot or other civil disobedience.

#### **406.2.1 FIRST RESPONDER CONSIDERATIONS**

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

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information, including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Evacuate the location as required.
- (e) Secure the inner and outer perimeter if needed. The use of tape, markers, or guards to isolate the area is recommended.
- (f) Protect items of apparent evidentiary value.

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## Policy Manual

### *Crime And Disaster Scene Integrity*

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- (g) Identify potential witnesses.
- (h) Start a chronological log noting critical times and personnel allowed access.

#### **406.2.2 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).

#### **406.3 SEARCHES AT CRIME OR DISASTER SCENES**

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

##### **406.3.1 CONSENT**

Officers should seek voluntary consent to search from authorized individuals where possible. If practical, written consent-to-search is preferable, and if not possible, audio recorded verbal consent-to-search is recommended. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.



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*Tactical Alert Plan*

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[REDACTED]

[REDACTED] will immediately report to the Watch  
Commander or DOC (if operational), for assignment.

[REDACTED]

[REDACTED]

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*Tactical Alert Plan*

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*Tactical Alert Plan*

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# Special Weapons and Tactics Team/Special Enforcement Unit

## 408.1 PURPOSE AND SCOPE

The purpose of the Special Weapons and Tactics (SWAT) team is 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 (SWAT) Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (*Penal Code § 13514.1*).

### 408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SWAT Team 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.

## 408.2 TEAM STRUCTURE AND COMPOSITION

The Special Weapons and Tactics team will consist of 22 tactical members, organized as follows: A team commander, of the rank of commander, two squad sergeants and two squads of one senior officer and eight police officers each. Additionally, there will be a training officer, at the rank of sergeant, who will be responsible for the planning, coordination and documentation of team training, as well as providing supervisor relief as appropriate.

SWAT includes the Hostage Negotiations Team (HNT), which consists of a sergeant and six officers. The officer positions may be staffed with POII's or POIII's since they are collateral assignments.

## 408.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, staffing, 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.

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#### **408.3.1 POLICY CONSIDERATIONS**

A needs assessment should be periodically 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.

#### **408.3.2 ORGANIZATIONAL PROCEDURES**

This department shall develop a separate written set of organizational procedures (set forth in the SWAT Operations Manual) which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

#### **408.3.3 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 California P.O.S.T. SWAT Operational Guidelines. Because such procedures are specific to SWAT 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) An operational plan 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.

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- (f) A warrant checklist used for 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.
    - (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.

#### **408.4 TRAINING NEEDS ASSESSMENT**

The SWAT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy, and the training guidelines as established by *POST 11 C.C.R. § 1081*.

##### **408.4.1 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.

##### **408.4.2 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.

##### **408.4.3 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.

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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.

#### **408.4.4 SWAT ONGOING TRAINING**

Training shall be coordinated by the SWAT Training Sergeant. The SWAT Training Sergeant 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 weapons qualification course. The qualification course shall consist of the SWAT Basic Drill for the weapon. Failure to qualify will require that officer to seek remedial training from a department range master approved by the SWAT Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

#### **408.4.5 TRAINING SAFETY**

Use of a designated safety officer shall be mandatory for all tactical training.

#### **408.4.6 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.

#### **408.4.7 TRAINING DOCUMENTATION**

Individual and team training shall be documented and records maintained by the SWAT Training Sergeant. Such documentation shall be maintained in each member's individual training file. The SWAT training file shall be maintained with documentation and records of all team training.

#### **408.4.8 JIM JENSEN TRAINING FACILITY**

Use of the training room for any purpose must be approved by the Special Operations Commander or designee, and requires the following:

- (a) Reservation of the room on the Outlook calendar through the Special Operations Division secretary.

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- (b) A sergeant or approved trainer shall be present during the training session. Approved trainers will be selected based upon their training, experience, and teaching abilities. Designees from the FTO program, Professional Standards, and Special Operations will establish a list of approved trainers that will be maintained by the Personnel and Training Sergeant.
- (c) A certified Safety Officer as listed in Oxnard Police Department §312.5.2 shall be present at all times during the training. The Special Operations Division will be responsible for establishing and instructing periodic Safety Officer courses, and will maintain the list of certified officers through the Personnel and Training Sergeant.
- (d) Prior to training taking place, the sergeant or approved trainer and the safety officer shall conduct a systematic walk through of the facility to ensure there are no safety hazards, and to record any previously unreported damage. Any hazards or damage that poses a safety threat will be addressed or repaired prior to the facilities use.
- (e) Upon completion of training, the sergeant or approved trainer will forward an email or training report to the Personnel and Training Sergeant and the Special Operations Commander. An email indicating the facilities use will be sufficient for impromptu or short training sessions such as daily training for SWAT, or movement training following squad briefing. Training that is more detailed should be documented in a training report.
- (f) The training room should remain locked when not in use. A key to the room will be kept in the lockbox at the north end of the hallway, which also houses the Bearcat key.

The following safety procedures and guidelines shall be followed at all times:

- (a) No loaded firearms or live ammunition allowed in the training room at any time.
- (b) The facility will be used for training purposes only. Any other activities are prohibited.
- (c) A supervisor or approved trainer and a safety officer must be present whenever training is taking place.
- (d) Signs indicating that training is in progress will be positioned outside of both doors leading into the training room whenever training is in progress.
- (e) Whenever simunition or other approved marking cartridges are being used, the doors to the training room will remain locked and everyone inside of the room, including observers, will wear face and/or eye protection as appropriate.
- (f) The intentional damage to doors, windows, or any other equipment or materials in the training room is prohibited without prior approval from the Special Operations Commander.
- (g) Any injuries or damage occurring in the training room must be reported to Professional Standards and the Special Operations Commander within 24 hours of occurrence. In the event of a serious injury, notification to the Watch Commander and Special Operations Commander should occur immediately.

## **408.5 UNIFORMS, EQUIPMENT, AND FIREARMS**

### **408.5.1 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 and is outlined in the SWAT Operations Manual.

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#### **408.5.2 EQUIPMENT**

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

#### **408.5.3 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.

#### **408.6 MANAGEMENT/SUPERVISION OF SWAT TEAM**

The Commander of the SWAT Team shall be selected by the Chief of Police upon recommendation of staff.

##### **408.6.1 PRIMARY UNIT MANAGER**

Under the direction of the Chief of Police, through the Field Services Bureau Chief, the SWAT Team shall be managed by a Commander.

##### **408.6.2 TEAM SUPERVISORS**

The Hostage Negotiations Team (HNT) and each of the two (2) SWAT team squads 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 Commander.

The following represent the supervisor responsibilities for the SWAT Team.

- (a) The HNT supervisor's primary responsibility is to supervise the operations of the HNT which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.
- (b) The SWAT team supervisor's primary responsibility is to supervise the operations of their squad, which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.

#### **408.7 HOSTAGE NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Hostage 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 Hostage Negotiation Team.

##### **408.7.1 SELECTION OF PERSONNEL**

The selection of all SWAT personnel, including negotiators, will be made pursuant to the procedure set forth in the SWAT Operations Manual.

##### **408.7.2 TRAINING OF NEGOTIATORS**

Those officers selected as members of the HNT should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to

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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.

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 HNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

#### **408.8 OPERATIONAL GUIDELINES FOR SWAT TEAM**

The following procedures serve as guidelines for the operational deployment of the SWAT Team. Generally, the Special Weapons and Tactics Team and the Hostage 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 Hostage Negotiation Team such as warrant service operations. This shall be at the discretion of the SWAT Commander.

##### **408.8.1 APPROPRIATE SITUATIONS FOR USE OF THE SWAT TEAM**

- (a) The following are examples of incidents which may result in the activation of the SWAT Team:
1. Barricaded persons.
  2. Hostage situations.
  3. Snipers.
  4. Major crowd and riot control.
  5. Any situation, which by its nature is likely to result in a hostile confrontation with officers such as in the execution of a search warrant or arrest warrant where the probability of a violent response exists.
- (b) In addition to high-risk operations, SWAT will also handle certain anticipated situations such as:
1. VIP security and personal protection.
  2. Tactical training of non-SWAT personnel.
  3. Any situation where SWAT capabilities may enhance the ability of the Department to preserve life, maintain social order, and ensure protection of property.
  4. Area searches involving armed suspects.

##### **408.8.2 OUTSIDE AGENCY REQUESTS**

The SWAT team's primary responsibility is to the City of Oxnard, however, it is available to requests for assistance from other police agencies, and will make every effort to honor all requests. The below listed policy is in regards to requests for deployment of the SWAT team for tactical operations. Requests for assistance for non-tactical situations will be handled pursuant to departmental mutual aid policy.

- (a) The Chief of Police of the requesting agency must approve an advance request from an outside agency for tactical operation assistance.

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1. Emergency requests may be made by the outside agency's Watch Commander.
  2. Chief of Police approval is not required for requests from the Port Hueneme Police Department when there exists an agreement between the Chief of Police from each agency that the Oxnard Police Department will routinely handle Port Hueneme SWAT responses. Requests pursuant to such a standing agreement will follow general callout procedures.
- (b) The Oxnard Police Department Chief of Police, or duty chief, must approve the request.
- (c) Requesting agencies are to be advised that requests are categorized as either primary or secondary assistance.
- (d) Primary assistance are those situations where the Oxnard PD SWAT team is given total responsibility to neutralize a situation, and everything within the inner perimeter is controlled by this department only.
- (e)
1. The OPD SWAT Commander has tactical command of the incident.
  2. The SWAT Commander will consult with the requesting agency's incident commander. If agreement as to tactics is not reached, the SWAT team will not assist.
- (f) Secondary assistance is where the SWAT team is requested to augment or otherwise assist the requesting agency's SWAT team. The requesting agency retains responsibility for the operation and its resolution. An example might be using Oxnard PD SWAT to establish an inner or outer perimeter or to provide negotiator or long rifle relief for protracted incidents, while the requesting agency's team handles all other duties.
1. The SWAT commander will make every effort to provide the resources requested and deploy them in the manner requested.
  2. In the event that such request violates Oxnard Police Department or SWAT team policy, the SWAT Commander will so advise the requesting agency and if necessary withdraw Oxnard PD personnel.

#### **408.8.3 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 Oxnard Police Department SWAT team shall operate under the policies, procedures, and command of the Oxnard Police Department when working in a multi-agency situation.

#### **408.8.4 MOBILIZATION OF SWAT TEAM**

The on-scene supervisor shall make a request to the Watch Commander for the SWAT Team. The Watch Commander shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the SWAT Commander.

[REDACTED]



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negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT or HNT personnel directly. All non-emergency communications shall be channeled through the Incident Commander or his/her designee.

#### **408.9 SPECIAL ENFORCEMENT UNIT (SEU)**

The Special Enforcement Unit is the full-time component of SWAT. The SEU will be composed of two SWAT squad sergeants and nine officers from each squad. Two of these officer positions are authorized as senior officer positions. Generally, deployment will be in the form of two squads, staffed as directed by the SWAT Commander. One officer from each squad may rotate from SEU into patrol shift slots designated as SEU slots based on the staffing needs of the patrol division.

##### **408.9.1 SEU DUTIES**

- (a) Gang enforcement. SEU will work closely with the gang investigators and the gang analyst in tracking gang trends, tracking individual gang members, compiling gang intelligence, and providing the Police Department's primary response to the gang problem.
- (b) Surveillance of known offenders or high crime areas. SEU will avail itself to other departmental units for the purpose of plainclothes surveillance.
- (c) Specialized enforcement. SEU will avail itself to other departmental units for the purpose of saturation patrol, arrest of wanted persons, or other enforcement assistance in uniform or plainclothes.
- (d) Tactical response. SEU will answer requests from other units for tactical assistance, whether or not in the form of a SWAT callout. Whenever possible, SEU personnel will assist patrol in handling calls that present an increased level of risk to responding officers.
- (e) Training. SEU will provide periodic tactical and officer safety related training to the entire department.

## Public Safety Dive Team

### 409.1 PURPOSE AND SCOPE

To establish guidelines for the operation and responsibilities of the members of the Public Safety Dive Team. It shall be the policy of this agency to maintain the Public Safety Dive Team for the purpose of safely conducting underwater search and recovery operations. The Team is comprised of:

- (a) Twelve (12) divers (six from Police and six from Fire).
- (b) Two (2) supervising divers (One Fire Captain and One Police Sergeant).
- (c) One (1) Dive Team Commander (Police Commander).
- (d) One Dive Team Chief (Fire Battalion Chief).

### 409.2 DEFINITIONS

- (a) **Dive Team Commander** - A manager holding the rank of commander who is responsible for the function and the coordination of the dive team.
- (b) **Dive Team Sergeant** - A supervisor holding the rank of sergeant who is responsible for ensuring that all dives are done utilizing safe diving practices including the proper use of safety equipment. Ensures the Dive Team performs only those functions for which it is trained and equipped. Ensures training is conducted in a safe and effective manner. The Dive Team Sergeant will also assume the responsibilities of the Dive Team Commander in his/her absence.
- (c) **Dive Team Leader** - A designated dive team member who shall assume the position of leader in the absence of the commander and sergeant.
- (d) **Dive Team Member** - Designated officers who have received specialty training in underwater search, hull search, body recovery, vehicle recovery and underwater crime scene investigation. Dive team members shall have obtained a basic SCUBA diver certification from a recognized dive organization prior to participating in any Public Safety Dive Team dives other than dives for training purposes.

### 409.3 FUNCTIONS AND DUTIES

The administration, supervision and control of the Dive Team will be the responsibility of the Dive Team Commander or Chief of Police designee.

Duties of the Dive Team will include, but are not limited to:

- (a) Underwater search and recovery.
- (b) Vessel hull searches.
- (c) In-water vehicle/evidence retrieval.
- (d) In-water body recovery.
- (e) Underwater security details.



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### *Public Safety Dive Team*

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1. The type of specialized equipment issued to the Dive Team will be determined by the Dive Team Commander or his/her designee.
- (b) All dive equipment, either personally or department owned, that requires periodic inspection or testing, such as air cylinders and regulators, shall be inspected or tested as required.
1. It is the responsibility of each dive team member to personally inspect both the Department and personally owned dive equipment assigned to him/her to ensure the equipment is inspected or tested as required. Any department equipment requiring repair other than periodic inspection or testing shall be reported to the dive team sergeant or his/her designee.

#### **409.7 SPECIALTY PIN**

Upon selection to the Public Safety Dive Team, the member will be authorized to wear a "Public Safety Diver" specialty pin on his/her uniform. This pin will be worn in accordance with section 1046. Dive Team members may wear the issued pin as one of the two pins allowed to be worn by uniformed officers. This policy extends to former Dive Team members.

#### **409.7.1 REFERENCE**

Oxnard Fire Department Underwater Dive Rescue Team Standard Operational Guidelines, § 8003.

## Ride-Along Policy

### **410.1 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.

#### **410.1.1 ELIGIBILITY**

The Oxnard Police Department Ride-Along Program is offered to family members of Department employees, 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:

- (a) Being under 15 years of age.
- (b) Prior criminal history.
- (c) Pending criminal action.
- (d) Pending lawsuit against the Department.
- (e) Denial by any supervisor.

#### **410.1.2 AVAILABILITY**

The Ride-Along Program is available on any day of the week, typically between the hours of 6:00 a.m. and 2:00 a.m., with certain exceptions established by the Watch Commander.

### **410.2 PROCEDURE TO REQUEST A RIDE-ALONG**

Generally, ride-along requests will be scheduled by the Front Desk CSO. The participant will complete a Ride-Along Application. 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 Application. The on-duty Watch Commander will review and approve/deny applications.

The Front Desk CSO will schedule a date, based on availability, at least one week after the date of application. A copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

#### **410.2.1 PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, Volunteers in Policing, Chaplains, Reserve Officers, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than two residents will participate in a ride-along during any given time period. No more than one ride-along will be allowed in the officer's vehicle at a given time.

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### *Ride-Along Policy*

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Ride-along requirements for Police Explorers are covered in Policy Manual § 1048.

#### **410.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in business casual attire. Levis, tennis shoes, and hats are not acceptable attire. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

#### **410.2.3 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. Peace officer ride-alongs may carry a firearm. However, this must be discussed at the outset of the ride-along.

#### **410.2.4 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, provided that the ride-along is not an employee of the Oxnard Police Department (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.). The Watch Commander will review the results of the criminal history check and determine if the applicant is suitable for a ride-along.

#### **410.3 OFFICER'S RESPONSIBILITY**

The officer shall advise 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.

Generally, officers with ride-alongs will not initiate, or otherwise participate in a vehicle pursuit. Where the primary officer does not have back up, an officer with a ride-along may join the pursuit. As soon as sufficient officer joins the pursuit, the officer with a ride-along will discontinue the pursuit.

Upon completion of the ride-along, the Ride-Along Application shall be returned to Records with any comments which may be offered by the officer.

#### **410.4 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 be terminated at any time, and the officer may return the observer to his/her home or to the station if the ride-along interferes with the performance of the officer's duties.

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### *Ride-Along Policy*

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- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

## Mounted Unit Operations

### 411.1 PURPOSE AND SCOPE

The Oxnard Police Department may have a mounted equestrian unit at the discretion of the Chief of Police. This policy will outline the use, deployment and responsibilities of the mounted unit. Further, it will outline the selection of personnel and horses and training required of both horse and rider and level of expertise that must be attained to be deployed. This will be a collateral assignment for officers.

### 411.2 PERSONNEL/CHAIN OF COMMAND

The Mounted Unit will be assigned to the Patrol Division and under the direction of the Field Services Bureau Assistant Chief. A commander will be assigned by the assistant chief to oversee the operations of the unit. The unit will have a sergeant or designee assigned by the commander who is responsible for recruitment, selection, training coordination, record keeping, unit equipment needs and operations.

The unit may consist of one sergeant and four officers/level one reserves. The unit may consist of more than one sergeant, with only one being designated as the unit's supervisor, and the others as riders/members.

#### 411.2.1 DEPLOYMENT

The Commander and/or Sergeant of the unit will make deployment decisions regarding the Mounted Unit. The deployment factors shall include, but are not be limited to, the number of horses available, the physical condition of the animal, the training of the particular horse, the condition of the area to be worked and the mission. At a deployment the Incident Commander will give the mission to the Mounted Unit Sergeant or designee and the Sergeant or designee will determine the method used by the Mounted Unit to achieve that mission. The owner/rider will have final say in the deployment based on the welfare of the animal. Deployment may include mutual aid with another agency with the consent of the unit Commander. If the mutual aid request comes via the on-duty Watch Commander, the on-duty Watch Commander shall notify the unit Commander or designee of the request prior to the deployment. The Sergeant or designee will be responsible for maintaining a record of deployment for unit members.

Deployment of the Mounted Unit is not a rapid response. Officers must first respond to stables where the horses are kept to ready his/her horse and equipment, and then respond to the location. It would not be unreasonable for the response to take two hours.

Deployments for the Mounted Unit include, but are not limited to:

- (a) Riots or demonstrations where crowd control assistance is needed. The Mounted Unit officers have a higher vantage point to view crowds and their presence provides a psychological advantage. These officers can assist a skirmish line of officers with moving a crowd.
- (b) Directed patrol within the city.
- (c) Security and enforcement at festivals or other special events in densely populated areas.
- (d) Security and enforcement at parades.

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### *Mounted Unit Operations*

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- (e) Fourth of July beach patrol.
- (f) Demonstrations for the Youth Academy, schools, etc.
- (g) Ceremonial events.

Mounted Unit members may affix the magnetic "Oxnard Police Mounted Unit" signs to his/her vehicle and/or trailer during any work-related detail (including training). The signs shall only be affixed to the vehicle/trailer while it is parked and not while in transport.

#### **411.2.2 SELECTION OF MEMBERS**

All personnel selected for the mounted unit will be sworn or level one reserve officers of the Oxnard Police Department. The standards set within this policy will be the same for sworn officers and reserve level one officers.

Minimum Qualifications:

- (a) Two years as a Police Officer I/II or Reserve Officer with the Oxnard Police Department.
- (b) Recommendation of the officer's current supervisor.
- (c) Ownership or access to a horse that meets department standards.

The selection process is outlined in Policy Manual § 1003.

The Mounted Unit Sergeant shall provide input related to the officer's performance in the Mounted Unit to the officer's assigned sergeant for inclusion in his/her evaluation. The officer must maintain an overall evaluation standard of "meets standards" or above. Any officer on the Mounted Unit who falls below the "meets standard" rating may be suspended from participation in the Mounted Unit until they have returned to the "meets standard" rating.

The officer will have access to, or possess a horse that meets department standards, qualify for deployment on the horse, and be able to transport the horse to events as needed by the Department. Each member of the Mounted Unit will have an "Agreement for Use of Horse" with the City of Oxnard defining the responsibilities and liabilities of both the City of Oxnard and the officer (refer to the agreement for details).

#### **411.2.3 SKILL LEVEL**

To be able to train with a law enforcement agency, the horse and rider must possess basic equestrian skills as evaluated by the unit Sergeant or designee. These basic equestrian skills may include but are not limited to being able to saddle the horse, have control and ride the horse in a walk and trot, stop the horse and transition between the aforementioned gaits. Upon demonstration of competency, the horse and rider will be eligible for training with the Ventura County Sheriff's Department or other law enforcement training as designated by the unit commander and/or sergeant.

#### **411.3 HORSES/SELECTION OF HORSES**

Horses selected for the Mounted Unit will be privately owned and the responsibility of the owner unless in training or a deployment directed by or sanctioned by the Oxnard Police Department or in transport to or from the location of the training or deployment. There are no restrictions regarding color or breed. Only geldings taller than 14.3 hands of height are acceptable. They must possess no traits which might present a danger to the public, other

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unit members, or horses. Traits which may disqualify a horse may include but are not limited to horses that bite or kick at people or other horses. The horse shall be of good health.

#### **411.3.1 CARE OF THE HORSE**

The Oxnard Police Department Mounted Unit horse is privately owned. It is the responsibility of the rider/owner to see that the horse is properly cared for, including, but not limited to, shoeing, feed, stabling, vaccinations, worming, physical conditioning and necessary veterinary care. If injury occurs while in the course of a department sanctioned event, per the agreement, the city shall reimburse for veterinary care up to \$5,000. Because of the high visibility of the horse and the importance of a professional appearance, a horse will be properly groomed when deployed.

#### **411.4 TRAINING**

Training for the purposes of this policy pertains to law enforcement training for the horse and rider. It will be training sponsored by a law enforcement agency directed at techniques and skills needed in the Mounted Unit. The unit Commander and/or Sergeant will approve training to be designated as law enforcement training. Primary training will be provided by the POST-certified Ventura County Sheriff's Department Mounted Unit trainers. The Ventura County Sheriff's Department Mounted Unit will advise when an Oxnard Police Department Mounted Unit horse and rider are approved for deployment. Upon approval by the Ventura County Sheriff's Department Mounted Unit trainers, it is recommended that within the first year of deployment for a horse and rider they be sent to a 40-hour POST-certified Mounted Unit school. Recurrent and mandatory training will be provided as designated by the unit Commander and/or Sergeant. The Sergeant or designee will be responsible for maintaining a record of training attended by unit members.

#### **411.5 UNIFORM**

The uniform for the Mounted Unit will be a black campaign hat with appropriate colored acorns, long or short sleeve uniform shirt, "shadow black" or double black Wrangler denim jeans and black cowboy boots. While deployed the unit members shall wear the same style shirt. All other uniform standards under Policy Manual §1046 shall be followed.

Mounted Unit members may wear the approved black polo shirt with patches (same as the Bike Unit shirt) and black jeans while donning and doffing their equipment prior to and after work details. The black polo shirt and black jeans may also be worn during training where there is a chance for contact with the public and during demonstrations.

#### **411.6 EQUIPMENT**

All equestrian related equipment is the responsibility of the rider/owner to purchase and maintain while deployed in the unit. Equipment may be purchased from the unit's fund at the discretion of the unit commander and/or sergeant. The fund is sustained by private contributions and fund raising. The equipment will be appropriate for the horse and meet the standards established by the unit. The following is a list of required equipment:

- (a) Western saddle.
- (b) Bridle.
- (c) Bit.
- (d) Reins.
- (e) Halter with lead rope.
- (f) Breast collar with cinch strap.

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- (g) Front cinch.
- (h) Blue saddle pad with Oxnard Police patches.
- (i) Blue reflective "POLICE" rear saddle bag.
- (j) Four (4) blue reflective leg wraps.
- (k) Spurs.
- (l) Horse baton.
- (m) Two (2) Magnetic vehicle signs - "Oxnard Police Mounted Unit."

Leather equipment will be brown in color. There will not be a rear cinch worn during department functions. Equipment which displays Oxnard PD or any variation will only be used during department functions or upon approval of the unit Commander and/or Sergeant.

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## Hazardous Material Response

### 412.1 PURPOSE AND SCOPE

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

#### 412.1.1 HAZARDOUS MATERIAL DEFINED

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

#### 412.2 HAZARDOUS MATERIAL RESPONSE

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

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

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

#### 412.3 REPORTING EXPOSURE(S)

Department personnel who believe that he/she has been exposed to a hazardous material shall immediately report the exposure to a supervisor. The employee's commander/manager shall also be notified. Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

#### 412.3.1 SUPERVISOR RESPONSIBILITY

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

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action is taken to lessen the exposure. This will include assisting with the completion of and IOD packet if necessary.

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

## **Bearcat Armored Vehicle**

### **415.1 PURPOSE AND SCOPE**

The purpose and scope of this policy is to set guidelines for the use, training, and storage of the Lenco Bearcat armored vehicle ("Bearcat").

### **415.2 USE OF THE BEARCAT**

The use of the Bearcat will be authorized by the field supervisor and/or the on-duty Watch Commander. The use of the Bearcat will only be for legitimate patrol purposes such as patrol calls involving armed subjects, SWAT callouts, SWAT search warrants, officer or citizen rescues, or authorized training. The Bearcat may be used for demonstrations, displays, or special events only with the authorization of the Special Operations Commander. If the Bearcat is utilized by patrol personnel, SEU personnel shall be notified post-incident to conduct a check of the Bearcat and the fuel level.

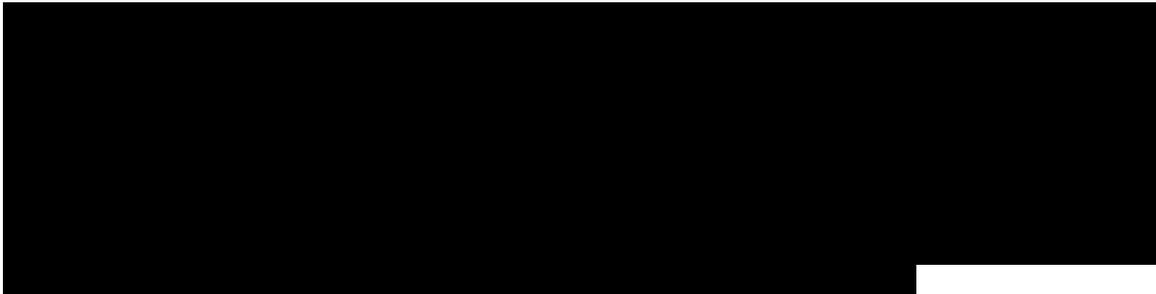
### **415.3 USE OF THE BEARCAT BY OUTSIDE AGENCIES**

The use of the Bearcat by outside agencies for emergency purposes will be authorized by the on-duty Watch Commander. If time allows, on-duty SEU officer(s) shall deploy with the Bearcat to outside agency requests. The use of the Bearcat by outside agencies for purposes other than emergencies will be authorized by the Special Operations Commander.

### **415.4 BEARCAT OPERATOR TRAINING**

Periodic briefing training will be conducted that incorporates the operation of the Bearcat as well as patrol tactics when using the Bearcat. This training will be conducted by the Special Enforcement Unit. A valid class "C" California driver's license is all that is required to drive the Bearcat.

### **415.5 BEARCAT STORAGE**



### **415.6 BEARCAT MAINTENANCE**

Maintenance of the Bearcat is the responsibility of the Special Operations Commander. Officers from the Special Enforcement Unit and SWAT Team will routinely check the Bearcat ensuring the battery is charged, the trickle charger is attached, the engine will turn over, and that the Bearcat is in general working order.

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## Mental Illness Commitments

### **418.1 PURPOSE AND SCOPE**

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

### **418.2 AUTHORITY**

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

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

### **418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES**

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

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

#### **418.3.1 TRANSPORTATION**

When transporting any individual for a Welfare and Institutions Code § 5150 commitment, the handling officer may have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient, and whether or not any special medical care is needed.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients may be restrained and transported by ambulance with ambulance personnel and an officer. The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. As

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### *Mental Illness Commitments*

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soon as a security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the patient.

#### **418.3.2 RESTRAINTS**

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

#### **418.3.3 MENTAL HEALTH DOCUMENTATION**

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment Form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention. This is an application; not a hold. Mental Health staff decide whether to place the 72-hour hold on the individual.

#### **418.3.4 SECURING OF WEAPONS**

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility [REDACTED]

#### **418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME**

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the Oxnard Police Department before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

#### **418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS**

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

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful, warrantless entry has been made, i.e. exigent circumstances, valid consent, etc. (Penal Code § 1524). Where a search warrant is needed the Watch Commander will contact the Family Protection Unit Sergeant. Family Protection Unit investigators will prepare the search warrant.

For purposes of this section, deadly weapon means any weapon, the possession of which or carrying while concealed, is prohibited by Penal Code § 19100; 21310.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 33800).

The handling officer shall further advise the person of the procedure described below for the return of any firearm or other deadly weapon which that has been confiscated (Welfare

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and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 19100 and § 21310.

#### **418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

- (a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Services Bureau which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).
- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

#### **418.6 TRAINING**

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

#### **418.7 CIVIL HOLDS**

A limited number of mental health patients are periodically released into the community as out-patients. These patients are under the supervision of the Community Program Director of the Ventura Region Release Program. In some instances, the Program Director may deem a mental health patient in need of immediate confinement.

Upon a determination made by the Program Director of the need for an outpatient to be placed into confinement, a Penal Code § 1610 hold will be placed on the subject. The Community Program Director will complete an MH 1718 Form and contact the Oxnard Police Department for transportation. The arresting officer will transport the patient directly to the Ventura County Sheriff's Pre-trial Detention Facility. A pre-arrangement has been

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made between the Ventura Regional Conditional Release Program and the Ventura County Sheriff's Department in regards to the housing of Penal Code § 1610 patients. The transporting officer will submit a pre-book and the MH 1718 Form with the transported patient/prisoner.

## **Cite & Release Policy**

### **420.1 PURPOSE AND SCOPE**

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

### **420.2 STATUTORY REQUIREMENTS**

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

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

#### **420.2.1 DISCRETION TO ARREST**

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

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

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

### **420.3 DEPARTMENT PROCEDURE**

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

#### **420.3.1 FIELD CITATIONS**

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

#### **420.3.2 JAIL RELEASE**

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Watch Commander approval.

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

#### **420.3.3 DISQUALIFYING CIRCUMSTANCES**

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

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
  1. The Oxnard Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303, and 40305.
  1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
  2. If a person under Vehicle Code § 40303 or § 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
  3. In those cases where the person is unable to provide such identification, the officer is given the discretion of either allowing the person to supply a thumbprint instead of identification or to simply take the person into physical custody. The fact that the arrestee is willing to sign a written promise to appear and provide a thumbprint does not mandate that the officer accept this alternative in place of satisfactory identification (California Attorney General Opinion No. 05-206).
  4. There are one or more outstanding arrest warrants for the person.
- (d) The person could not provide satisfactory evidence of personal identification.
- (e) 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.
- (f) 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.
- (g) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (h) 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.
- (i) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

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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 Division.

#### **420.3.4 OTHER REASONS FOR NON-RELEASE**

If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.33, the Watch Commander shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

- (a) Previous failure to appear is on record
- (b) The person lacks ties to the area, such as a residence, job, or family
- (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

#### **420.3.5 INSTRUCTIONS TO CITED PERSON**

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

#### **420.3.6 SATISFACTORY EVIDENCE OF PERSONAL IDENTIFICATION**

To be eligible for field citation release, an officer must be convinced of a subject's true identity. While identification verification can be done using radio computer checks and mobile database queries, confirming a person's identity in the field without proper documentation in hand can be unreliable at best. "Satisfactory evidence of personal identification" as discussed in Penal Code §853.6 is defined as:

U.S. federal or state-issued photo ID that contains the following: name, date of birth, gender, expiration date and a tamper-resistant feature. Examples of these documents include:

- (a) U.S. passport.
- (b) U.S. passport card.
- (c) DHS "Trusted Traveler" cards (NEXUS, SENTRI, FAST).
- (d) U.S. Military ID (active duty or retired military and their dependents).
- (e) Permanent Resident Card.
- (f) Border Crossing Card.
- (g) DHS-designated enhanced driver's license.
- (h) Drivers Licenses or other state photo identity cards issued by Department of Motor Vehicles (or equivalent) that meets REAL ID benchmarks (All states are currently in compliance).
- (i) A Native American Tribal Photo ID.
- (j) An airline or airport-issued ID (if issued under a TSA-approved security plan).
- (k) A foreign government-issued passport.
- (l) Canadian provincial driver's license or Indian and Northern Affairs Canada (INAC) card.
- (m) Transportation Worker Identification Credential (TWIC).

Examples of these documents do not include:

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- (a) Social Security card.
- (b) Vehicle registration.
- (c) Birth certificate.
- (d) Fishing license.
- (e) Library card.
- (f) School identification.
- (g) Employment/Employee identification.
- (h) Credit or bank ATM card.
- (i) Consular identification card.
- (j) Temporary driver license.
- (k) Voter registration card.
- (l) Foreign driver license.

#### **420.4 CITATION RELEASE ON MISDEMEANOR WARRANTS**

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

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

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

#### **420.4.1 OUT-OF-COUNTY MISDEMEANOR WARRANTS**

Arresting officers will contact dispatch, to confirm from the issuing agency that the warrant is active. If warrant is active, Booking will be notified to obtain the warrant via teletype. If the originating agency will not extradite, or if the arrestee fits the criteria to be released via a citation, Booking will assist the officer in obtaining all court information to be documented on the citation. Booking will provide violation section(s) and the issuing court's docket number to be written on the citation. The citation must document the issuing agency's court appearance date, time, and location. The offender's signature will constitute their promise

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to appear. The arresting officer will provide a copy of both the signed citation, and warrant, to the Records Unit, who will forward copies to the issuing agency.

#### **420.5 JUVENILE CITATIONS**

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- (a) Misdemeanor traffic violations of the Vehicle Code.
- (b) Violations of the Oxnard City codes.

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigative Services Bureau for further action, including diversion.

#### **420.6 REQUESTING CASE NUMBERS**

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

#### **420.7 CIVIL CITATIONS**

Use of the Civil Citation is the preferred method of dealing with persons who violate provisions of the Oxnard City Code. Civil Citation books are available to all Patrol Division personnel. With the exception of parking violations (which must be handled by issuing a parking citation), a Civil Citation can be used for any violation of the City Code.

Previously, issuing a Notice to Appear was the only way to deal with a City Code violator. Persons receiving a Civil Citation are assessed a specific fine amount per City Council Resolution No. 13,459 and are afforded a civil hearing upon request as the means to appeal the administrative fine. Since the Civil Citation is a civil (i.e. monetary fines) process, it is not appropriate to issue a Civil Citation to persons who do not own assets or are unemployed. Said persons should be issued a Notice to Appear, preferably as an infraction, instead of a Civil Citation. Warrants cannot be issued for persons who fail to pay fines imposed by a Civil Citation; rather the City will seek liens on real property or take legal action if the cited person fails to pay the fine.

##### **420.7.1 PROCEDURE**

Civil Citations may be issued in lieu of Notices to Appear for any City Code violation. Conversely, only City Code violations (not including parking violations) may be cited using the Civil Citation process.

As in all cases, if the officer cannot properly identify a violator in the field, he/she should transport the subject to the station to verify identity through the "cite book" process. Once identity is verified or the subject is photographed and fingerprints scanned, issuing a Notice to Appear is the best course of action.

To issue a Civil Citation, the officer will complete all boxes with the necessary information. Most of the required information is self-explanatory. Some noteworthy differences between the Notice to Appear and Civil Citation are:

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- (a) Code Section Violated/Description: Four sections are provided to write the City Code section, description of the violation and the amount of the fine. The fine amount must be entered for each violation. Refer to "Fines" section of this document.
- (b) Total Fine: Add all fines and enter the total amount here.
- (c) Officer Notes: There is a small amount of room on the back side of the white copy of the Civil Citation where officers can write notes on the case. Do not write on the yellow copy of the Civil Citation. If the necessary notes cannot fit in this area, the officer will complete an incident report which recounts the violation circumstances for the civil hearing officer. Enter the DR number in the "Case #" box.

Signatures are not required to process Civil Citations. If a signature is not obtained, the citation will be mailed to the violator by the Code Compliance Unit. If the violator signs the citation, provide the violator their copy. Submit remaining citation copies to the "Citation" drawer in Records. Records personnel will forward all Civil Citations to Code Compliance for processing.

**CORRECTIONS:** If an error is made on the Civil Citation, a Civil Citation Amendment Form must be filled out correcting the mistake. Civil Citations will be returned to the issuing officer along with the amendment form.

**VOIDED CITATIONS:** If a Civil Citation is issued in error, write "VOID" across the citation and submit all copies to Records.

**CITING JUVENILES:** With the exception of alcohol-related city ordinance violations, juveniles (persons under the age of 18) should not be issued Civil Citations.

**FIREWORKS VIOLATIONS:** Officers are encouraged to issue Civil Citations for fireworks violations per City Code §7-147.1(B). Issuing notices to appear should be reserved for use of dangerous fireworks that result in damage to property or personal injury.

**SOCIAL HOST VIOLATIONS:** The consumption of alcohol by a minor in a public place, place open to the public, or place not open to the public ( City Code §7-148.2), and the hosting, permitting, or allowing a party, gathering, or event where minors consume alcoholic beverages (City Code §7-148.3) can only be handled civilly. As such, only a Civil Citation can be issued for violations of these ordinances.

## Arrest or Detention of Foreign Nationals

### 422.1 PURPOSE AND SCOPE

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

#### 422.1.1 DEFINITIONS

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

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

### 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

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

### 422.3 LEVELS OF IMMUNITY

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

#### 422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic

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### *Arrest or Detention of Foreign Nationals*

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agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

#### **422.3.2 CONSULAR OFFICERS**

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

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

#### **422.3.3 HONORARY CONSULS**

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

#### **422.4 IDENTIFICATION**

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

##### **422.4.1 VEHICLE REGISTRATION**

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

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#### **422.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

##### **422.5.1 CITABLE OFFENSES**

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

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

##### **422.5.2 IN-CUSTODY ARRESTS**

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

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

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

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

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an

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individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest.

Law enforcement personnel should use the following numbers in order of preference:

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

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

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

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

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

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

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#### **422.6 TRAFFIC COLLISIONS**

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

##### **422.6.1 VEHICLES**

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

##### **422.6.2 REPORTS**

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

#### **422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

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

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

- (a) Officers shall not stop or detain persons solely for determining immigration status.

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### *Arrest or Detention of Foreign Nationals*

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- (b) International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- (c) Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

#### **422.7.1 ARREST PROCEDURE**

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

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

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

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

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

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

#### **422.7.2 DOCUMENTATION**

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

## **Reporting Police Activity Outside of Jurisdiction**

### **426.1 PURPOSE AND SCOPE**

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

#### **426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY**

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

#### **426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY**

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the City of Oxnard, shall notify his/her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Watch Commander as soon as practical.

The supervisor or Watch Commander shall determine if a police report or other documentation of the officer's activity is required. The report or other documentation shall be processed according to existing reporting protocol.

## Immigration Violations

### **428.1 PURPOSE AND SCOPE**

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

### **428.2 DEPARTMENT POLICY**

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry.

When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of 8 USC, § 1304, 8 USC § 1324, 8 USC § 1325 and 8 USC § 1326, this department may assist in the enforcement of federal immigration laws.

### **428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS**

Persons wishing to report immigration violations should be referred to the local office of ICE. The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, USC.

#### **428.3.1 BASIS FOR CONTACT**

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

#### **428.3.2 SWEEPS**

The Oxnard Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

#### **428.3.3 ICE REQUEST FOR ASSISTANCE**

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary

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### *Immigration Violations*

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basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

#### **428.3.4 IDENTIFICATION**

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

#### **428.3.5 ARREST**

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

#### **428.3.6 BOOKING**

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

#### **428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT**

Whenever an officer has reason to believe that any person arrested for any offense listed in Health & Safety Code §11369 or any other felony may not be a citizen of the United States and the individual is not going to be booked into county jail, the arresting officer shall cause ICE to be notified for consideration of an immigration hold.

If an officer has an articulable belief that an individual taken into custody for any misdemeanor is an undocumented alien, and after he/she is formally booked there is no intention to transport to the county jail, ICE may be informed by the arresting officer so that ICE may consider placing an immigration hold on the individual.

In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense.
- (b) Community safety.
- (c) Potential burden on ICE.
- (d) Impact on the immigrant community.

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### *Immigration Violations*

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Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

#### **428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE**

The Oxnard Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (8 USC § 1373 and 8 USC § 1644).

##### **428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Family Crimes Unit (FCU) Sergeant assigned to supervise the handling of any related case. The FCU Sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

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### *Immigration Violations*

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#### **428.4.2 HUMAN TRAFFICKING T-VISA**

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

## **Emergency Utility Service**

### **429.1 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.

#### **429.1.1 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 a police dispatcher.

#### **429.1.2 ELECTRICAL LINES**

City Public Works do 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. Southern California Edison or Public Works should be promptly notified, as appropriate.

#### **429.1.3 RESERVOIRS, PUMPS, WELLS, ETC.**

Public Works maintains the city 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.

#### **429.1.4 EMERGENCY NUMBERS**

Police dispatchers will maintain a current list of emergency personnel who are to be called for municipal utility emergencies.

### **429.2 TRAFFIC SIGNAL MAINTENANCE**

City Traffic Engineering maintains all traffic signals within the city, other than those maintained by the State of California (Cal Trans).

#### **429.2.1 RESPONSIBILITIES FOR SIGNALS**

The State of California, (Cal Trans), in most cases, maintains traffic signals located on state highways (SR-1, SR-34, and SR-232) and at freeway off-ramps.

#### **429.2.2 OFFICER'S RESPONSIBILITY**

Upon observing a damaged or malfunctioning signal, the officer will advise the police dispatcher of the location and problem with the signal. The public safety dispatcher should make the necessary notification to the proper maintenance agency.

## Patrol Rifles

### 432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Oxnard Police Department will make the use of patrol rifles available to qualified patrol rifle officers as an additional and more immediate tactical resource.

### 432.2 PATROL RIFLE

#### 432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department or authorized individual and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun.

### 432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Range Sergeant or his/her designee, may be used by officers in their law enforcement responsibilities. The department issued patrol rifles are .223 caliber semiautomatic weapons, Colt AR15, and the Colt M16 that has been converted to a semi-automatic only weapon. Also authorized (for individual purchase) will be the Rock River Arms, Inc ® LAR-15 (A2/A4) and Bushmaster AR-15 (A2/A3/M4) series rifles. These rifles will meet the specific requirements mentioned in section 312. The Range Sergeant or his/her designee will determine whether or not a specific rifle within the series is acceptable for patrol deployment.

#### 432.3.1 SELECTION OF PATROL RIFLE OFFICERS

The officer desiring to use the patrol rifle must first submit a memorandum to their immediate supervisor requesting consideration for appointment as a patrol rifle officer. Officers must have a minimum two years law enforcement experience with one year at the Oxnard Police Department prior to requesting consideration for the appointment.

The officer's supervisor will review the officer's competency in the following areas: law enforcement field tactics, actual tactical decision-making activities, judgment in non-stress and stress situations, work ethic, and the current and past evaluations of the officer for a period of not less than 2 years. If the supervisor is satisfied that the officer has been competent in these areas, the supervisor will forward the officer's request for consideration with the supervisor's endorsement to the Range Sergeant.

The Range Sergeant will review the officer's weapons qualifications. If there are no areas which would disqualify the officer from using a patrol rifle, the Range Sergeant shall forward the officer's name to the Special Operations Commander for approval as a patrol rifle candidate. The officer's supervisor will complete a training request for the appropriate patrol rifle training course.

The Range Sergeant or his/her designee will conduct an inventory of available patrol rifles to determine if a patrol rifle is available for the officer's use. When the appropriate rifle is available, the Range Sergeant shall alert the Personnel and Training Sergeant to schedule a POST-Certified 24-hour Patrol Rifle User's course for the officer. No officer will be

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scheduled for a rifle course without the availability of the appropriate rifle and equipment to the officer. If the officer is a former SWAT officer who has completed the appropriate SWAT training-course, the officer can be scheduled for either the 24-hour course mentioned above or an 8-hour POST-Certified Tactical Rifle Update course.

If the officer wishes to acquire their own patrol rifle, they must also stipulate on their original memorandum to their supervisor that they wish to be considered for a Police Chief's Letter for Weapons to purchase a rifle. Upon completion of the above mentioned reviews, approval of the Special Operations Commander, and the actual scheduling of the Basic Rifle User's Course, the Chief of Police may sign an authorization for the officer to purchase a patrol rifle and the officer may use this rifle for training and appropriate qualifications. No letters will be signed for the personal purchase of a patrol rifle without a justified department need. The Police Chief's Letter for Weapons is described in Oxnard Police Department §312.

The Personnel and Training Sergeant shall schedule the appropriate course for the officer upon receipt of a training request from the officer endorsed by the officer's supervisor, and with approval from the Range Sergeant, within the limitations of the training budget and the department's needs.

At the completion of the 24-hour POST-Certified User's Course, the Range Sergeant shall add the officer's name and weapon authorized to the list of authorized patrol rifle officers and weapons, and the officer can then deploy with the patrol rifle for duty purposes, subject to periodic qualifications and additional update training courses as directed.

The approval to use the patrol rifle will be at the discretion of the Special Operations Commander. The approval to carry a patrol rifle, whether Department-issued or personally owned, may be rescinded.

#### **432.3.2 RIFLE EQUIPMENT**

Department-issued rifles will be equipped with a sling, three magazines, and a magazine pouch. Officers shall carry only Department-issued ammunition.

For personally-owned rifles, mounted lights and sighting systems that have been approved by the Range Sergeant are acceptable optional features. If a powered sighting system is chosen, it must be mounted in such a manner to allow immediate transition to an iron sighting system without manipulation of the optical sights.

All costs associated with the purchase of any optional rifle, magazines, magazine pouches, and related equipment will be the responsibility of the officer.

#### **432.4 RIFLE MAINTENANCE**

- (a) Primary responsibility for maintenance of department-issued patrol rifles shall fall on the Range Sergeant or his/her designee who shall inspect and service each patrol rifle on a periodic basis.
- (b) Each patrol officer carrying a patrol rifle is required to field strip and clean his/her assigned patrol rifle, no less than monthly, and after every firing of the weapon for training.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Each patrol rifle shall be subject to inspection by a supervisor, the Range Sergeant, or range staff member at any time.

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- (e) No modification shall be made to any assigned or personally owned/authorized patrol rifle without prior authorization from the Range Sergeant.
- (f) All personally owned authorized patrol rifles will be inspected and serviced periodically by a factory-authorized gunsmith or armorer, at no cost to the Department. All maintenance or services shall be reported to the Range Sergeant.

#### **432.5 TRAINING**

There are minimum training requirements that must be met before officers will be allowed to carry the rifles. These are described in Oxnard Police Department §432.31.

The officer must successfully qualify with the weapon prior to it being carried and, thereafter, at least once every six months. The officer must demonstrate proficiency, safe handling, and serviceability of the weapon. The officer must also successfully participate in periodic training as designated by the Range Sergeant.

Any officer who fails to qualify will not be allowed to carry the patrol rifle until he/she shows proficiency and obtains a passing qualification score on a department-approved course of fire. In addition to the minimum qualification score, the patrol rifle officer must successfully demonstrate the proper manipulation skills, tactical use, and proper deployment of the patrol rifle. Failure to demonstrate these skills will cause the immediate removal of this tool from the officer, until retraining and retesting can elevate the performance. If remediation is ineffective, the patrol rifle officer's name will be forwarded to the Special Operations Commander with the recommendation that the approval to use this tool be permanently rescinded.

Supervisors and managers who are designated as Watch Commanders, who have not had formalized training in the use of the patrol rifle, may deploy the CO's Office's emergency patrol rifle after completing the 8-hour Patrol Rifle User's Update Course and shooting a battle-sight zero course and a 35-yard qualification course.

#### **432.6 DEPLOYMENT OF THE PATROL RIFLE**

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

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) Supervisors and managers who are designated as Watch Commanders, who have completed the pre-requisite training course as described in Oxnard Police Department §432.5, may deploy the CO's Office's emergency patrol rifle as necessary for the purposes of station security in accordance with this policy. The maximum distances of deployment should be akin to the distances accomplished during the prerequisite training for this particular station security rifle.

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### Patrol Rifles

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#### **432.7 DISCHARGE OF THE PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Department's Use of Force Policy §300.

#### **432.8 PATROL READY**

An authorized officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready or cruiser carry" configuration until deployed. A rifle is considered "patrol ready" when it has been safely inspected by the assigned officer and meets the following conditions:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

#### **432.9 RIFLE STORAGE**

Patrol rifles and shotguns, whether personally owned or department issued, will be properly secured in a department armory room or secure locker at the conclusion of each officer's work shift. [REDACTED]

#### **432.9.1 RIFLE FIELD STORAGE**

[REDACTED]

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## Aircraft Accidents

### 434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

### 434.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

#### 434.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the Medical Examiner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the Incident Commander with technical expertise, should it be needed during the operation.

#### 434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident,

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the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

#### **434.2.3 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) The Watch Commander, who will in turn notify the Duty Chief.
- (b) Fire Department
- (c) The affected airport tower
- (d) Closest military base if a military aircraft is involved
- (e) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

#### **434.2.4 RECORDS MANAGER RESPONSIBILITIES**

The Records Manager is responsible for the following:

- (a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics
- (b) Forward a copy of the report to the Field Services Bureau Chief and the manager of the affected airport

#### **434.2.5 COMMUNITY AFFAIRS MANAGER RESPONSIBILITIES**

The Department Community Affairs Manager is responsible for the following:

- (a) Obtain information for a press release from the on-scene commander or his or her designee
- (b) When practical, the Department Community Affairs Manager should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

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Information released to the press regarding any aircraft accident should be handled by the Department Community Affairs Manager or in accordance with existing policy.

#### **434.3 DOCUMENTATION**

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

## Obtaining Air Support

### **438.1 PURPOSE AND SCOPE**

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

### **438.2 REQUEST FOR HELICOPTER ASSISTANCE**

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

#### **438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

#### **438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED**

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a 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.

## Field Interviews & Photographing of Field Detainees

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

### 440.2 DEFINITIONS

**Detention** - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field Interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-Down Search** - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

### 440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.

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- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

#### **440.3.1 INITIATING A FIELD INTERVIEW**

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Oxnard Police Department to strengthen community involvement, community awareness, and problem identification.

#### **440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of the statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

#### **440.4 PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

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- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

#### **440.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

##### **440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

#### **440.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

#### **440.7 DISPOSITION OF PHOTOGRAPHS**

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 investigating officer should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the photo and documents to the

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Violent Crimes Unit (VCU) supervisor. The VCU supervisor will ensure the photograph and supporting documents are retained as prescribed by Policy Manual § 442.

- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Division. These photographs will be purged as described in Policy Manual § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Division in a separate non-booking photograph file in alphabetical order.

#### **440.7.1 PURGING THE FIELD PHOTO FILE**

The Records Manager will be responsible for ensuring that photographs maintained by the Records Division that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Oxnard Police Department and the booking file remains in the Records Division.

#### **440.8 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

##### **440.8.1 REVIEW PROCESS**

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30 day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Oxnard Police Department policy and, even

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if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Oxnard Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or Oxnard Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Oxnard Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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## Criminal Street Gangs

### 442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code § 186.20 through Penal Code § 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

### 442.2 DEFINITIONS

**Pattern of Criminal Gang Activity** - The commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

**Criminal Street Gang** - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

**Gang Related Crime** - Any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further, or assist any criminal street gang.

### 442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Violent Crimes Unit (VCU) shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
  1. They have a common name or common identifying sign or symbol.
  2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2.
  3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2 of this policy.
  4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a gang investigator and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

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1. An individual admits membership in a criminal street gang.
  2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
  3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
  4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
  5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
  6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
  7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. § 23.20.
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

#### **442.4 CRIMINAL STREET GANG TEMPORARY FILE**

The VCU Sergeant may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the VCU Sergeant. A temporary file of criminal street gang participants or criminal street gangs shall include:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information.
- (b) Gang name.
- (c) Justification used to identify an individual as a criminal street gang participant.
- (d) Vehicle(s) known to be used.
- (e) Cross references to other identified gangs or gang members.

#### **442.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE**

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.

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The VCU Sergeant shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal street gang files is the responsibility of the VCU Sergeant.

#### **442.4.2 CRIMINAL GANG INTELLIGENCE DATABASES**

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases, such as CALGANG, for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

#### **442.5 FIELD CONTACTS**

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact. The exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink) should be included in the documentation.

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

#### **442.6 INQUIRY BY PARENT OR GUARDIAN**

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

#### **442.7 DISSEMINATIONS OF THE FILE INFORMATION**

Information from the temporary criminal street gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.

##### **442.7.1 REPORTING CRITERIA AND ROUTING**

Suspicious incidents, information reports and criminal incidents that appear to be criminal street gang related shall be documented on a report form.

The reporting officer shall describe why the incident may be criminal street gang related and document statements, actions, dress, etc. that would tend to support the belief that involvement of a criminal street gang has occurred.

The officer shall specifically indicate that a copy of the report be routed to the Gang Detail.

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Officers completing a field interview card under the guidelines above shall photocopy the card and deliver it to the Gang Detail.

If it is determined that it is preferable to take field photographs and there isn't a report number associated with the event, indicate on the photo card that the photos should be forwarded to the Gang Detail.

#### **442.8 REPORTING CRITERIA AND ROUTING**

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request to that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

#### **442.8.1 SPECIAL ENFORCEMENT UNIT**

The Special Enforcement Unit (SEU) will be the primary enforcement unit. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

#### **442.8.2 VIOLENT CRIMES UNIT**

The Violent Crimes Unit will be the primary investigative unit. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

#### **442.8.3 GANG CRIME NOTIFICATION PROTOCOL**

[REDACTED]



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- (d) The assigned investigator/officer will contact the individual and set up an appointment where the gang registration form (with photograph and right thumbprint) will be completed. Investigators/officers are encouraged to take this opportunity to talk with the individual about information pertaining to his street gang and gather any available intelligence. If the appointment is set for the individual's residence, investigators/officers are reminded to adhere to all officer safety standards when entering a known gang member's residence.
- (e) The assigned investigator/officer will make every effort to complete the registration process within 10 days of notification of the registration.

## Watch Commanders

### **444.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions, and objectives. To accomplish this goal, a Watch Commander leads each shift.

### **444.2 DESIGNATION AS ACTING WATCH COMMANDER**

When a commander is unavailable for duty as the Watch Commander, a sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a senior officer or police officer as an acting Watch Commander when operational needs require or as training permits.

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## Mobile Digital Computer Use

### 448.1 PURPOSE AND SCOPE

The Mobile Digital Computer (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

### 448.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any employee of the Department are strictly forbidden.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

Priority-I and higher Priority-II calls will have a voice dispatch and MDC transmission. Units should transmit on scene with a radio transmission. Officers should also use the MDC to clear the call and type a more detailed disposition, including the AOD code. Priority-III and lower Priority-II calls will be sent via MDC and the Band 1 Dispatcher will notify the officer that they have a call, i.e.: "32C check your MDC for a call."

#### 448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative, or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### 448.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact;
- (b) Whenever the activity or contact is initiated by radio broadcast, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
- (c) Whenever the activity or contact is not initiated by radio broadcast, the officer shall record it on the MDC.

#### 448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the police radio and through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

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Other changes in status may be entered by depressing the appropriate keys on the MDC's.

#### **448.2.4 HIT CONFIRMATION**

Information obtained from CLETS can be used by a peace officer to establish or reinforce the reasonable suspicion necessary to lawfully detain a suspect. It is not sufficient alone for establishing the probable cause necessary for law enforcement actions such as conducting a search, seizing property, or placing an individual under arrest. Information obtained from CLETS is sufficient for establishing probable cause once its validity and reliability have been confirmed.

Any field unit receiving a hit or near hit on their MDC through CLETS or VCJIS will need to notify dispatch verbally of the hit and request confirmation. The unit will also advise if backup is needed. The following steps will take place:

- (a) The field unit will advise the dispatcher by voice that they have a hit such as, warrant, stolen vehicle, stolen property etc.
- (b) The unit will provide the last name of the subject, the license, VIN, or serial number ran.
- (c) If the officer had not checked out prior, they will advise their location and a vehicle description if applicable.
- (d) The dispatcher will notify the field unit when the hit is confirmed.

#### **448.3 MDC CONSIDERATIONS**

Personnel using the MDC's will log on and off at the beginning and end of each tour of duty. Each officer will use only his/her user ID and password. Under no circumstances will an individual utilize another's user ID and password. If an officer will be away from the unit and another person has access to the MDC (carwash, city garage, etc.), the officer will log off.

No employee shall access or allow others to access any file or database unless that person has both the need to know and right to know such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.

No personally owned software, hardware or network device of any type will be installed on the MDC's unless authorized by the department systems administrator.

##### **448.3.1 NON-FUNCTIONING MDC**

Whenever possible, officers will not use units with malfunctioning MDC's. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Communications Center. It shall be responsibility of the Communications Center to record all information that will then be transmitted verbally over the police radio.

##### **448.3.2 CIVILIAN RIDE-ALONG**

Officers will remind all ride-alongs of the regulations on the Ride-Along Application. Specifically, reminding them that they may be exposed to criminal offender records information of persons contacted or investigated by the police. Law prohibits them from divulging any information they view or hear about to anyone.

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## Use of Audio/Video Recorders

### **450.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use of portable audio/video recording devices by employees of this department while in the performance of his/her duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings.

### **450.2 POLICY**

The Oxnard Police Department may provide employees with access to portable recorders, either audio or video or both, for use during the performance of his/her duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between employees of the Department and the public.

### **450.3 PRIVACY**

All recordings made by personnel acting in his/her official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

### **450.4 EMPLOYEE RESPONSIBILITIES**

Prior to going into field service, each uniformed employee will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order.

Employees assigned to a non-uniformed position may carry an approved portable recorder at any time the employee believes that such a device may be useful.

When using a recorder, the assigned employee shall record his/her name, employee number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

### **450.5 REQUIRED ACTIVATION OF AUDIO RECORDERS**

This policy is not intended to describe every possible situation where use of the equipment may be appropriate. The following are situations that require the use of the audio recorder:

- (a) All enforcement contacts, interviews with victims, witnesses, and suspects, and calls for service.
- (b) Prior to initiating Code 3 driving operations.
- (c) When transporting prisoners, detained subjects, and those people who are under criminal investigation.

Once the audio recorder is activated, it shall remain on and shall not be turned off until the incident or contact has concluded. An exception would be in situations where officers are

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### *Use of Audio/Video Recorders*

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engaged in a private conversation involving sensitive information (e.g. tactics being used to address an incident, information regarding an informant, etc.).

At no time is an employee expected to jeopardize his/her safety in order to activate a recorder.

#### **450.5.1 WHEN ACTIVATION IS NOT REQUIRED**

With supervisor approval officers are not required to record when there are articulable facts and good cause.

Detectives conducting investigations may use discretion as when to record conversations while conducting investigations.

#### **450.5.2 SURREPTITIOUS USE OF THE AUDIO RECORDER**

Police officers may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

Employees shall not surreptitiously record another department employee without a court order or authorization of the Chief of Police.

#### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Employees are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in his/her official capacity.

Employees are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Employees shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Any employee who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy manual, including retention and release requirements.

Recordings shall not be used by any employee for the purpose of embarrassment or ridicule.

Any employee who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

#### **450.7 RETENTION OF RECORDINGS**

Any time an employee records any portion of a contact that the employee reasonably believes constitutes evidence in a criminal case, the employee shall record the related case number and download the file in accordance with the Policy Manual § 814 and document the existence of the recording in the related report.

Any time an employee reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the employee should promptly notify a supervisor of the existence of the recording.

Patrol Division employees shall upload all recorded files in accordance with current procedure for storing digital files at the end of his/her shift. In the event an employee

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unintentionally records a personal conversation, the employee's supervisor may allow the deletion of the recording once it is determined to have no value for police related matters.

#### **450.7.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the Department's records retention schedule but in no event for a period less than 180 days.

#### **450.8 RELEASE OF RECORDINGS**

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in Policy Manual § 810 or for other authorized legitimate department business purposes.

#### **450.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, employees should review his/her recordings as a resource. However, employees should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time he/she is investigating alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the employee's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any employee of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with Policy Manual § 810.

## Medical Marijuana

### 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under California's Compassionate Use Act (Health & Safety Code § 11362.5) and criminal narcotics violations. The guidelines set forth in this policy are subject to change, as the continuing challenges to the Compassionate Use Act are enacted.

### 452.2 ENFORCEMENT

Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense (i.e. no penalty) for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

- (a) Notwithstanding California Medical Marijuana laws:
  - 1. California does not provide any exception for individuals driving under the influence of marijuana. All such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).
  - 2. Medical marijuana may not be smoked outside of a residence within 1000 feet of a school, recreation center, youth center or in a vehicle or boat (Health & Safety Code § 11362.79).
  - 3. No probationer or parolee may possess medical marijuana unless such possession is authorized in writing by court order or parole conditions (Health & Safety Code § 11362.795).
  
- (b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed as for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code §§ 11357, 11358 and 11359. When determining if a criminal case is warranted, consideration needs to be given to both the Medical Marijuana Program Act (MMPA) as well as the Compassionate Use Act (CUA).
  - 1. The amount of marijuana possessed must be consistent with the medical needs of the qualified patient or person with valid ID card.
  - 2. The quantity and form of marijuana must also be reasonably related to the patient's current medical needs.
    - (a) If the subject is exercising his/her rights per the MMPA, absent a verifiable doctor's recommendation to exceed allotted quantities, a qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient, or;
    - (b) If the subject is exercising his/her rights per the MMPA, maintain to more than six mature, or twelve immature marijuana plants per qualified patient (Health & Safety Code § 11362.77(a)(b)). An example of exercising ones right to the MMPA, would be to claim they are transporting a quantity of marijuana to serve a specific number of patients through a cooperative or collective, and that the number of patients divided by the total quantity does not exceed the quantity of marijuana being possessed.

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### *Medical Marijuana*

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3. If the subject is exercising his/her rights under the CUA, there is no specific quantity established other than that deemed to be necessary by the prescribing physician.
- (c) In any case involving the possession or cultivation of marijuana, the handling officer should inquire whether the individual is claiming that the marijuana is for medicinal purposes.
1. If no such claim is made, the officer should proceed with normal enforcement action.
  2. If a claim of medicinal use is made, the officer should proceed as outlined below.

#### **452.3 MEDICINAL USE CLAIMS**

In order to qualify for a medicinal marijuana defense, any individual making such a claim must affirmatively establish the following information. If the individual cannot or will not provide all of the required information, the officer should note such fact in any related report and proceed with appropriate enforcement action.

##### **452.3.1 PATIENTS**

- (a) An individual may establish his/her status as a qualified patient by presenting a current and valid state issued identification card issued by the Department of Health (Health & Safety Code § 11362.735). Such identification cards shall contain the following information:
1. A unique serial number.
  2. An expiration date.
  3. The name and telephone number of the county health department approving the application.
  4. A 24-hour toll-free number for law enforcement to verify the validity of the card (Verification can be checked at [www.calmmp.ca.gov](http://www.calmmp.ca.gov)).
  5. A photograph of the cardholder.

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (Health & Safety Code § 11362.78).

- (b) If the individual does not possess a valid state issued identification card, the individual claiming status as a qualified patient must minimally provide the following information:
1. Satisfactory identification establishing current residency in California.
  2. A current and valid medical marijuana ID card from a local governmental agency (e.g., county) or a current and verifiable, written recommendation for marijuana from a California licensed physician.
  3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual authorizing the release of all related medical records.

##### **452.3.2 PRIMARY CAREGIVERS**

Primary caregivers are subject to the following requirements (Health & Safety Code 11362.765):

- (a) A primary caregiver is not authorized to use, sell, or possess marijuana for sale.
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- (b) A primary caregiver must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety.
- (c) A primary caregiver must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's recommendation.
- (d) Upon proof that a qualified primary caregiver is caring for more than one qualified patient, he/she may aggregate possession and cultivation limits. For example, a primary caregiver caring for three qualified patients may possess 24 ounces (eight ounces per patient) of marijuana (Health & Safety Code § 11362.7(d)(2)).
- (e) While qualified patients and primary caregivers may be permitted to collectively or cooperatively associate to cultivate medical marijuana, such individuals must strictly adhere to all non-profit and local business requirements (Health & Safety Code § 11362.775).

#### **452.3.3 CLAIM REQUIREMENTS MET**

Once the handling officer is satisfied that the individual making a medicinal marijuana use claim meets the above requirements, the officer should proceed as follows:

- (a) A small sample of the involved marijuana should be seized and booked into evidence.
- (b) Any allowable amount of marijuana left in possession of a qualified individual for the limited purpose of medicinal use should be described and noted in the related report.
- (c) If the handling officer has already taken the individual into custody (vs. detention only) prior to establishing qualification for a potential medicinal use defense and there are no other criminal charges pending or being investigated, the individual should be released pursuant to Penal Code § 849(b).
- (d) If the individual remains in custody on any charge(s), the individual will not be permitted to use marijuana while being detained or held in jail or other law enforcement facility (Health & Safety Code § 11362.785(c)).
- (e) The handling officer shall complete a timely report which will be submitted to the District Attorney with all of the aforementioned documentation for a determination of whether the medicinal marijuana defense will apply.

#### **452.3.4 RETURN OF MARIJUANA**

Regardless of the prosecution status or disposition of any related criminal case, this department will not be responsible for the return of any marijuana seized as evidence except as may be required by a valid court order (Health and Safety Code § 11473.5 and 21 U.S.C. § 885(d)).

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## **Automated License Plate Readers (ALPRs)**

### **462.1 PURPOSE AND SCOPE**

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Oxnard 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. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, traffic enforcement, and stolen property recovery.

### **462.2 ADMINISTRATION OF ALPR DATA**

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administrative Services Bureau Chief. The Administrative Services Bureau Chief will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### **462.3 ALPR OPERATION**

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate 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 California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.

### **462.4 ALPR DATA COLLECTION AND RETENTION**

All data and images gathered by an ALPR are for the official use of the Oxnard Police Department and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

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### *Automated License Plate Readers (ALPRs)*

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An Information Technology employee is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6), and thereafter may 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 lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

#### **462.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Oxnard Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

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## Mobile Fingerprint Scanner

### 463.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of the Mobile Fingerprint Scanner (MFS). The MFS is a palm-sized computer device that scans a subject's fingerprints and takes a digital picture of the subject for the purpose of positively identifying that individual where other accepted forms of identification, i.e. State driver's license or identification cards, are not present. The fingerprints and photograph are sent via an AT&T wireless connection to the Ventura County Justice Information System (VCJIS). If the subject's fingerprints and photograph have been inputted in VCJIS, identification can be verified. Other local, state, and national criminal offender databases are also accessed.

### 463.2 COGENT SYSTEMS MOBILE IDENT II

The Cogent Systems Mobile Ident II is a Ventura County Sheriff's Office (VCSO) issued FBI Mobile ID Subject Acquisition Profile Level 20 certified electronic device. It allows the user to perform remote fingerprint acquisition and downloading of the VCJIS database of a subject's fingerprints for local, on-board searching and matching. With its GPRS communications capabilities, it can submit format files via secure connections to a remote server, or to an Automated Fingerprint Identification System (AFIS) for real-time identification.

Only adult arrestees who have been entered into the VCJIS, or other local, state, and national criminal databases will produce a positive result on the MFS. Juveniles are not entered into this database.

### 463.3 POLICY

Use of the MFS shall be restricted to officers who have been trained in its use. Training will be given by an authorized trainer designated by the Special Projects Commander.

1. The MFS shall only be used for official and legitimate law enforcement business.
2. Prior to utilizing the MFS, verbal consent from the subject must be obtained.
3. If the subject does not give consent, or decides not to voluntarily submit to the remainder of the MFS identification process, the officer will discontinue use of the MFS.
4. Under no circumstances shall a department member use physical force during use of the MFS.
5. If the person is unable to identify him/her due to a high level of intoxication, being under the influence of a drug, or is otherwise unconscious, officers shall not force an MFS submission.
6. Refusal to submit to an MFS identification attempt does not constitute probable cause for arrest. Therefore, no arrests will be made where a subject refuses to submit to an MFS identification attempt.
7. All MFS results shall be verified through the City of Oxnard Emergency Communications Center prior to exercising probation or parole terms or otherwise affecting an arrest.

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8. Booking personnel, either at the Oxnard Police Department or Ventura County Main Jail, will verify MFS and Emergency Communications Center results.

#### **463.4 MFS DEVICE ISSUANCE**

Department personnel trained to operate the MFS and subsequently authorized by the Special Projects Commander may use this device. MFS devices will be issued individually to officers every six months coinciding with Patrol shift change. Each use (scan) will be recorded on a log to track its use and efficiency.

#### **463.5 LIMITATIONS OF USE**

Although the MFS is a beneficial tool to this department, it has its limitations.

- (a) The MFS is limited to local (Ventura County), state, and national criminal offender databases.
- (b) The MFS primarily utilizes the Ventura County VCIJIS system. Adults who have been processed at the Ventura County Jail will show a result.
- (c) The MFS cannot run any juveniles.

#### **463.6 REPORTING OF DAMAGE**

All damage to the MFS must be reported via email to the trainer in charge and to the Special Projects Commander prior to any use.

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**Chapter 5 - Traffic Operations**

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of occurrence in collision 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 Oxnard Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- (a) Location.
- (b) Time.
- (c) Day.
- (d) Violation factors.

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision causing violations during high collision 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 collision locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

### 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

#### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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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 ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (8 CCR § 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

##### **500.5.1 REQUIRED USE**

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.

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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 the Personnel and Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

#### **500.6 PERSONNEL**

Management and coordination of the Traffic Unit would be the responsibility of the assigned traffic sergeant. The areas of responsibility for all personnel set forth below are to be used as general guidelines only. Responsibilities may be added or shifted as required to ensure the proper operation of the unit.

##### **500.6.1 TRAFFIC SERGEANT**

Assumes supervisory responsibility of all Traffic Units, Traffic Service Assistants (TSA's), and Crossing Guards.

##### **500.6.2 TRAFFIC COORDINATOR**

Duties and Responsibilities:

- (a) Coordinates and assigns duties of Traffic Units and TSA's.
- (b) Assumes duties of the Traffic Sergeant in his/her absence.
- (c) Keeps statistics on all traffic accidents, DUI arrests and citations.
- (d) Assign motor units to high frequency accident areas, as determined by computer analysis, officer observations, and citizen complaints.
- (e) Coordinate the Traffic Unit's function at special events (i.e. festivals, parades, athletic events).
- (f) Review and approve Temporary Use Permits.
- (g) Coordinate the Redflex Traffic Program.
- (h) Conduct traffic hearings.
- (i) Coordinate, process, and review traffic related grants.

##### **500.6.3 TRAFFIC COLLISION INVESTIGATOR**

Duties and Responsibilities:

- (a) Respond to and investigate all major traffic collisions, including but not limited to traffic fatalities, city vehicle collisions, pursuit and pursuit collisions.
- (b) Investigate hit and run collisions.
- (c) Assists Major Crimes with homicide scene diagrams.
- (d) Provide a monthly report to the Special Projects Commander that includes statistics and information on traffic matters (i.e. vehicle pursuits, collision rates, MVIR).

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- (e) Attend traffic investigation schools as assigned.

#### **500.6.4 MOTOR OFFICERS**

##### Duties and Responsibilities:

- (a) Primary duty - traffic enforcement utilizing a police motorcycle.
- (b) Assists, plans and coordinates traffic control at special events.
- (c) Functions as a back-up investigator at major traffic collisions. Depending of abilities and training, may be the lead investigator at major traffic collisions as assigned.
- (d) Prior to assignment to the motorcycle officer position, officers must have completed the basic police motorcycle-training course.

#### **500.6.5 TRAFFIC SERVICE ASSISTANTS**

##### Duties and Responsibilities

- (a) Enforce parking laws and city traffic ordinances.
- (b) Investigate traffic collisions as dispatched.
- (c) Assist in traffic control as needed.
- (d) Tags and arranges for the towing of abandoned or unlawfully parked vehicles.
- (e) Assists with traffic control at city special events.
- (f) Assists the CSO with fleet maintenance.
- (g) Prior to assignment, TSA's will have completed the basic traffic collision investigation course and completed in service training with an assigned TSA.
- (h) Attend Amber Alert training.
- (i) Deploy the traffic radar trailer as assigned.

#### **500.7 EQUIPMENT**

##### **500.7.1 TRAFFIC UNIT VEHICLES**

- (a) Motorcycles
  1. Officers assigned a police motorcycle are responsible for ensuring periodic maintenance, which will be performed by Fleet Services or an approved service facility.
  2. Motorcycles shall not have any modifications to the engines, drive trains, exhaust systems or suspension systems unless approved by the Traffic Sergeant.
  3. Motorcycles are to be cleaned by the assigned officer.
  4. The Traffic Sergeant shall periodically inspect motorcycles for cleanliness, and ensure maintenance is up to date.
- (b) TSA Vehicles
  1. It shall be the responsibility of the TSA's to ensure that vehicles are kept clean, and maintenance is kept up-to-date.
  2. Maintenance for the City owned vehicles is to be done by the City's equipment yard.

## Traffic Collision Reporting

### **502.1 PURPOSE AND SCOPE**

The Oxnard 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.

### **502.2 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.

### **502.3 TRAFFIC COLLISION REPORTING**

All traffic collision reports taken by employees of this department shall be forwarded to the Watch Commander for approval. The reports will then be forwarded to the Records Unit for data entry into the Oxnard Police Department Records Management System (RMS). The Traffic Collision Investigator will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Special Projects Commander, or other persons as required.

The completed reports will be forwarded to the Watch Commander who will:

- (a) Review the reports for completeness.
- (b) Return reports to officers for corrections as necessary.
- (c) Ensure that corrected reports are completed and approved.
- (d) Ensure forwarding of reports to the Record's Unit.
- (e) In the case of collisions involving police department vehicles, copy the City of Oxnard Motor Vehicle Incident Report and distribute the copies as follows:
  1. Original shall be forwarded to the City's risk management office.
  2. A copy shall be hand carried or faxed (extension 8053) to the equipment maintenance yard. If the damaged vehicle is dropped off at the city garage after hours, a copy of the report will be locked inside the unit so that repair can commence immediately.
  3. A copy will be provided to the Traffic Collision Investigator.

The Traffic Collision Investigator will:

- (a) Attach a copy to the Vehicle Incident/Collision Review report and forward both reports to the employee's supervisor.
- (b) Conduct an investigation into the circumstances of police vehicle involved collisions, and report the findings and conclusions on a Vehicle Incident/Collision Review report.
- (c) Provide the number of prior preventable and not preventable collisions in which the police department employee has been involved.

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#### **502.3.1 TRAFFIC COLLISION INVESTIGATOR RESPONSIBILITIES**

The Traffic Collision Investigator shall maintain a file of the Motor Vehicle Incident Reports and notify risk management when and where the city vehicle is repaired.

#### **502.3.2 POLICE DEPARTMENT SUPERVISOR RESPONSIBILITY**

The supervisors shall:

- (a) Review the information supplied by the Traffic Collision Investigator and make appropriate comments on the Vehicle Incident/Accident Review report including a recommendation for appropriate administrative action if such action is deemed appropriate.
  - 1. If there is any prior collisions noted which might have an effect on the supervisor's recommendation, the supervisor should review the employee's personnel file and supervisors file.
  - 2. The Vehicle Incident/Collision Review report shall then be processed through the normal chain of command for review.
- (b) When the Vehicle Incident/Collision Review report is returned to the employee's supervisor for final disposition, the appropriate action should be taken and noted on the form.
  - 1. If there is no discipline involved (less than a letter of reprimand), the report shall be placed in the employee's supervisor file for inclusion in the employee's performance evaluation if necessary.
  - 2. If there is discipline involved (letter of reprimand or greater), the report along with any related documentation shall be forwarded to the Professional Standards office.
  - 3. The Professional Standards office will ensure the appropriate discipline is imposed, the necessary notifications made and that all documentation is completed and placed in the appropriate file.
- (c) Depending on the employee's history of preventable collisions over the past three years, and particularly over the past 12 months, appropriate action will be taken based on the following guidelines:
  - 1. A non-injury incident resulting in minor damage with no recent (12 month) history of preventable incidents may result in a verbal reprimand, counseling, or an inspection report.
  - 2. A non-injury incident resulting in minor damage, with other preventable incidents within 12 months will result in an inspection report or a written reprimand.
  - 3. Incidents of a more serious nature such as injury, major property damage some flagrant act or omission may result in more severe discipline.
  - 4. Any subsequent incident of such nature may result in a suspension or more severe discipline. The length of the suspension, if any will depend upon the following:
    - (d) The degree of culpability in the current incident.
- (d) The conditions relevant to the incident (weather, speed, etc.).
- (e) The amount of property damage or loss.
- (f) The severity of the injuries arising from the incident.
  - 1. Subsequent incidents as described here will be treated with increased severity.

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2. A pattern of preventable incidents over a three-year period, may also result in measures as retraining or required professional consultation and/or counseling.

#### **502.3.3 DISPATCH RESPONSIBILITIES**

Police units will be dispatched to all reported traffic collisions occurring on a highway (Vehicle Code § 360 V.C.) and on private property except in the following circumstances:

- (a) Police units will not be dispatched to collisions occurring on private property unless one or more of the following conditions exists:
  1. An Injury sustained by an involved party.
  2. Criminal offense (D.U.I., hit-and-run, etc.).
  3. Substantial Property Damage - indicating negligent vehicular operation.
  4. Damage to City property or vehicle.
- (b) Police units will only be dispatched to hit-and-run collisions involving injuries, or when sufficient information exists for criminal prosecution or the identification of the suspect vehicle.

#### **502.4 REPORTING SITUATIONS**

##### **502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES**

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a police vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate bureau chief.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the Traffic Collision Investigator or any supervisor.

##### **502.4.2 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 Oxnard Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

##### **502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS**

The Traffic Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

##### **502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation (i.e. DUI, reckless driving).

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#### **502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.
- (b) When there is an identifiable violation of the Vehicle Code.
- (c) When a report is requested by any involved driver.

#### **502.4.6 TRAFFIC COLLISION REPORT-PROPERTY DAMAGE ONLY**

The CHP 555-03 may be used when the collision involves one or two parties, no injuries or fatalities, and there is no anticipated prosecution. The officer completing the report shall obtain a report number and provide one of the triplicate copies to each driver. The face page and page two of the report shall be turned in to the records division. A summary of the collision shall be added to page two.

#### **502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION**

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign the Traffic Collision Investigator or another motor officer to investigate the traffic collision.

#### **502.6 USE OF TRAFFIC SERVICE ASSISTANTS**

TSA's trained in the documentation of collisions may take collision reports except under the following circumstances:

- (a) Fatal collisions or collisions that cause injury that may result in death.
- (b) Hit and run collisions.

#### **502.7 RECOVERABLE COLLISIONS**

Government Code § 53150 and § 53156 provide for the recovery of up to \$1,000.00 from a person who negligently operates a vehicle, boat or aircraft resulting in injury to any person while under the influence of drugs and/or alcohol. When notification is received of a suspected injury collision, both the fire and police departments are ordered to respond. Following a collision scene investigation and it is suspected that there was an intoxicated person involved, responsibilities are as follows:

Traffic Unit

- (a) On a bi-weekly basis, the Traffic Coordinator will obtain all information relating to recoverable emergency response offenses.
- (b) OPD Form 126 will be completed on each offense and forwarded to the City Finance for collection.

## Vehicle Towing Policy

### **510.1 PURPOSE AND SCOPE**

This policy provides the procedures for towing a vehicle by or at the direction of the Oxnard Police Department. Nothing in this policy shall require the Department to tow a vehicle.

### **510.2 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.

#### **510.2.1 VEHICLE STORAGE REPORT**

Department employees 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 practical after the vehicle is stored.

#### **510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES**

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Oxnard. The officer will then store the vehicle using a CHP Form 180.

#### **510.2.3 STORAGE AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- (a) Traffic related warrant arrest.

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- (b) Situations where the vehicle was not used to further the offense for which the driver was arrested.
- (c) Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- (d) Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

#### **510.2.4 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.

#### **510.2.5 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.

#### **510.2.6 DISPATCHER'S RESPONSIBILITIES**

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

#### **510.2.7 RECORDS DIVISION RESPONSIBILITY**

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code

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§ 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 the 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 a post-storage hearing, the owners, or his/her agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

### **510.3 TOWING SERVICES**

The City of Oxnard 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 from the streets of vehicles obstructing traffic in violation of state or local regulations.

#### **510.3.1 "NO PREFERENCE" TOW SERVICES**

Upon proper application, the Department may approve qualified towing services to be called when a citizen needs towing but has "no preference" as to which service to call. Any complaint alleging a violation of the agreement or other misconduct by a "no preference" operator shall be referred to the police department for investigation. The Department may periodically review the performance of each authorized "no preference" operator.

- (a) The Police Department will assist citizens by calling any towing company desired. If the citizen has no preference, the on-call tow company will be called.
- (b) Personnel are prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

### **510.4 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Employees conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

#### **510.4.1 DRIVERS WITH SUSPENDED OR REVOKED LICENSES**

Vehicles may be stored or impounded following the arrest of a person for driving with a suspended and/or revoked license per Vehicle Code § 22651(p).

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#### **510.4.2 VEHICLES USED IN CRIMES**

Pursuant to Vehicle Code §§ 22655, 22655.3 and 22655.5 and with the permission of a field supervisor or the Watch Commander, nothing in this policy shall affect an officer's ability to impound a vehicle:

- (a) Abandoned in a pursuit.
- (b) Involved in a hit and run collision.
- (c) Used in the commission of a crime.
- (d) Containing evidence of a crime.

CHP 180's completed by officers as a result of the above listed crimes and pursuant to the listed vehicle codes, shall leave a copy of the CHP 180 for the respective investigator. This method ensures that the investigator is aware of the impounded vehicle, and it alleviates any unnecessary storage fees.

#### **510.5 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) which 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.

#### **510.6 RELEASE OF VEHICLE**

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3 and 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 and Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license and applicable fees paid prior to the end of the 30-day impoundment period if the vehicle was stolen, if the driver reinstates his/her driver's license, if the driver acquires a license and proper insurance, or under other circumstances as set forth in Vehicle Code § 14602.6.

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Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

## Vehicle Impound Hearings

### 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

### 512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any employee of the Oxnard Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a) and § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

#### 512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(d)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2) and § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b) and § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or § 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

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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 chief. The hearing officer will recommend to the appropriate bureau chief that the fees paid by the registered or legal owner of the vehicle in question or his/her agent be reimbursed by the Department.

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## Chemical Sampling and Evidence Collection

### 514.1 PURPOSE AND SCOPE

This policy explains the chemical sample evidence collecting procedures in alcohol- and/or drug-related crimes. Specifically covered in this policy are incidents involving:

- (a) Conscious, injured and/or unconscious drivers suspected of or arrested for driving under the influence of alcohol and/or drugs
- (b) Unconscious pedestrians and bicyclists involved in traffic collisions because of his/her level of intoxication
- (c) Forced withdrawal of blood from suspects

The procedures contained in this section may also be used as a guideline when dealing with persons suspected of being under the influence of a controlled substance (Health and Safety Code § 11550) and DNA Bank blood collection (Penal Code § 296).

### 514.2 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).
- (e) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)).

#### 514.2.1 EMERGENCY DOCTRINE

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Both Policy Manual § 514.2.2 and § 514.2.3 of this chapter come within the guidelines of the emergency doctrine.

### 514.3 CHEMICAL TESTING

Most breath and urine tests are administered within the Detention Facility. A suspect who is unable to submit to a chemical test because of any of the following shall not be considered as refusing to comply with the provisions of Vehicle Code §13353:

- (a) The Department's inability to furnish a selected test.

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- (b) If there are verifiable medical reasons for non-compliance.
- (c) If an attending physician refuses to allow it.

Breath samples using a Preliminary Alcohol Screening Device (PAS) or Evidentiary Preliminary Alcohol Screening Device (E-PAS) may occur in the field or within the Detention Facility. The Intoxilyzer® is typically administered in the Detention Facility. Only certified personnel may administer PAS, E-PAS or Intoxilyzer tests. Blood samples are usually obtained by hospital personnel at emergency rooms. Alternatively, officers may request that a blood sample be obtained:

- (a) In the field from a suspect during the administration of advanced life support by qualified Gold Coast Ambulance (GCA) personnel.
- (b) In the Detention Facility by qualified GCA personnel.
- (c) Other location as deemed appropriate by the Watch Commander.

#### **514.3.1 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL**

Based on probable cause, the officer should place a hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intent to administer a chemical test. Unless the attending physician objects for medical reasons, the blood or urine (in cases of drug impairment) samples will be collected in the prescribed manner.

#### **514.3.2 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL**

When there is probable cause to believe that an unconscious driver is under the influence, there is no method of informing the individual of the arrest nor can there be any verbal consent on the part of the suspect to allow one of the two possible chemical tests at the hospital to determine his/her blood alcohol level. This presents an exigent situation, which excuses the requirement of consent. The officer shall advise the attending physician of the intent to collect a sample of the suspect's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner.

#### **514.3.3 TESTING OF UNCONSCIOUS PEDESTRIAN OR BICYCLIST AT HOSPITAL**

When there is probable cause to believe that an unconscious pedestrian or bicyclist has been involved in a traffic collision because of his/her intoxicated condition, a blood sample may be extracted as evidence. The officer shall advise the attending physician of his/her intent to extract a blood sample and unless the physician objects for medical reasons, the sample will be collected in the prescribed manner.

#### **514.3.4 EMERGENCY DOCTRINE**

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Both Policy Manual § 514.3.2 and § 514.3.3 of this chapter come within the guidelines of the emergency doctrine.

#### **514.4 TESTING OF PERSONS IN THE FIELD**

With the consent of attending GCA paramedic personnel, peace officers may request a blood sample be obtained prior to or during the administration of advanced life support from a subject that is suspected by the officer of criminal conduct involving alcohol and/or drugs. The withdrawal of blood by paramedics at the scene of a medical emergency may occur only when all of the following circumstances are met:

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- (a) The officer has probable cause to believe that a subject has committed a crime involving alcohol and/or drugs (People v. Trotman [1989] 214 Cal. App. 3d 430, states that probable cause to believe the suspect was involved in the commission of an offense and that the extraction of blood would disclose evidence of the crime is sufficient to justify the extraction of blood without the necessity of a formal arrest. See also Cupp v. Murphy [1973] 412 U.S. 291 and Deltoro (1989) 214 Cal.App.3d 1417, 1425.)
- (b) The chemical test is essential for the successful prosecution of the case.
- (c) The withdrawal of blood will not delay the medical treatment of the patient in any way.
- (d) The attending paramedic consents to withdraw the blood as requested by a peace officer.
- (e) The withdrawal is incident to advanced life support (ALS) procedures being initiated on the patient by paramedics. In this context, ALS is when a paramedic injects a medicine or starts an intravenous line (I.V.).
- (f) The driver does not refuse to submit to the chemical test (Note: An unconscious person cannot refuse to take a test).

All Gold Coast paramedic ambulances are stocked with blood tube envelopes supplied by the Ventura County Crime Laboratory. These envelopes contain a gray-top tube for analysis of alcohol and/or drugs.

#### **514.5 TESTING OF ARRESTEES IN THE OXNARD DETENTION FACILITY**

Officers wishing to obtain a blood sample from an arrestee in the Oxnard Detention Facility will make a verbal request to the on-duty Watch Commander. If approved, the Watch Commander will contact the Gold Coast Ambulance's (GCA) dispatch and will advise the dispatcher if the blood draw is consensual or will be taken by force. The arresting officer will complete the "Written Request for Blood Draw by Gold Coast Ambulance Service" form and will have it approved by the Watch Commander.

Consensual blood draws are taken while the individual is either seated in one of the Oxnard Detention Facility interviews rooms or other appropriate location. GCA has the option to send only one licensed and qualified person to perform the blood draw.

Forced blood draws will be conducted inside of an unoccupied holding cell. GCA will normally send an ambulance crew consisting of at least two persons, one of which is licensed and qualified to perform the blood draw. The ambulance gurney will be used to control the individual requiring the blood draw. Sufficient police personnel will be present, including the Watch Commander or a sergeant, to properly restrain the individual and to prevent injury to GCA personnel. GCA personnel will not assist in the control or restraint of any individual. GCA personnel will complete the medical portion of the "Written Request for Blood Draw by Gold Coast Ambulance Service."

#### **514.6 COLLECTING BLOOD EVIDENCE**

Only persons authorized by law to withdraw blood shall collect blood samples (Vehicle Code § 23158). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

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If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

Blood sample kits are normally available at the hospital and at the Department. For drug and alcohol cases, only the official Ventura County Sheriff's Department blood sample kits are to be utilized to collect a blood sample. Only official DOJ vials will be used for DNA Bank sample collection.

Upon collection of the blood sample, the officer shall take possession of the sample. The officer shall follow the instructions regarding blood collection and submission printed on the outside of the blood sample kit. The sample shall be placed into a locked body fluid sample box in the evidence refrigerator at the Oxnard Police Department.

#### **514.6.1 FIELD TESTING CHAIN OF EVIDENCE**

The following procedures will be followed to ensure an unbroken chain of evidence:

- (a) After determining that probable cause exists to arrest the suspect, the officer will request a sample be taken by the paramedics. If agreed upon, the Crime Lab envelope will be retrieved from the ambulance.
- (b) The officer will ensure that the seal on the envelope flap is intact and will witness the removal of the tube from the envelope;
- (c) The officer will remind the paramedic to prepare the blood withdrawal site with a non-alcohol based solution such as Betadine.
- (d) The officer will witness the withdrawal of blood from the suspect and the filling of the tubes with blood.
  1. According to the crime lab, the minimum amount of blood for testing purposes is 0.5 milliliter for alcohol studies, and 5.0 milliliters for drug screening and subsequent confirmation work;
- (e) The officer will then take the tube from the paramedic, seal the stopper with one Crime Lab sticker, label the tube and envelope, then seal the tube in the envelope using another sticker provided;
- (f) The officer will secure the envelope in the transportation box as soon as possible to avoid loss of the evidence.

  
A supervisor shall be present when blood is forcibly extracted from a suspect who is uncooperative or has refused a chemical test. The amount of force used to accomplish the collection of this evidence will be controlled by that supervisor. When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, he or she shall not be required to take a blood test.

#### **514.6.2 BLOOD DRAW REFUSALS**

If a subject has been lawfully arrested for Health and Safety Code § 11550 and refuses to submit to chemical testing, the arrestee may be physically compelled to submit to a blood test if the following provisions are met:

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- (a) Ideally, the officer conducting the evaluation for drug impairment will have completed the Peace Officer Standard and Training (P.O.S.T.) approved Drug Abuse Recognition Training (D.A.R.) course or the California Highway Patrol/Los Angeles Police Department P.O.S.T. approved Drug Recognition Expert (D.R.E.) course.
- (b) The evaluating officer shall complete two D.A.R./D.R.E. evaluations of the subject. Whenever possible, the second evaluation should be conducted in a controlled environment.
- (c) An additional D.A.R./D.R.E. evaluation may be completed by another D.A.R./D.R.E. trained officer. This officer should not have been involved in the initial contact or arrest of the subject. This evaluation should be done in a controlled environment and not in the field. The second officer must observe clear, objective symptoms in the subject being evaluated that are consistent with their D.A.R./D.R.E. training.
- (d) A supervisor shall obtain the opinions of evaluating officers prior to rendering a decision to compel a blood test.

#### **514.6.3 FORCED BLOOD SAMPLE , SUPERVISOR RESPONSIBILITIES**

When a person who has been arrested for DUI refuses to submit to a viable and appropriate test or fails to complete a selected test, a sample of that person's blood may be obtained for testing. If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practical.
- (d) Ensure that the withdrawal is taken in a medically approved manner.
- (e) Ensure the forced withdrawal is recorded on audio and/or video when practical.
- (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

#### **514.6.4 AVAILABLE LOCATIONS FOR FORCED BLOOD DRAWS**

The Ventura County Medical Center and the Oxnard Detention Facility are the two authorized locations for the forced withdrawal of blood samples. St. John's Regional Medical Center will not collect forced blood samples. According to Emergency Department

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Nursing Procedure No. ED-36: "St. John's Regional Medical Center/St. John's Pleasant Valley Hospitals will not obtain a forcible blood sample at the written request of a peace officer. The staff member obtaining the sample may not use any physical restraint."

#### **514.7 CHOICE OF TESTS**

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

##### **514.7.1 COLLECTING BREATH AS EVIDENCE**

If the arrested person chooses a breath test and if it can be accomplished without undue delay, the arrested person shall first be transported to the Detention Facility for booking preparatory to the collection of breath samples. At the Detention Facility, personnel trained in the use of the Intoxilyzer machine will record the blood alcohol level by obtaining samples of the suspect's breath. An E-PAS device may also be used in the field in lieu of obtaining a breath sample at the Detention Facility.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

##### **514.7.2 COLLECTING URINE AS EVIDENCE**

If it is suspected that the offender is under the influence of controlled substance (including prescription medications if causing impairment), and the arrested person chooses a urine test, he or she shall be promptly transported to the Detention Facility. The PSO will furnish a urine kit for collecting samples of the arrested person's urine. The officer shall follow the directions listed on the container instruction sheet. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same. The urine kit shall then be placed in the evidence refrigerator to await transportation to the Crime Laboratory.

Urine samples shall be collected and witnessed by an officer or booking staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen (Vehicle Code § 23158(i)).

##### **514.7.3 CHEMICAL SAMPLE REFUSALS**

When a person refuses to provide a viable chemical sample, officers should:

- (a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).

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- (b) Audio-record the admonishment and the response if practical.
- (c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

#### **514.7.4 STATUTORY WARNING**

An officer requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

#### **514.7.5 PRELIMINARY ALCOHOL SCREENING**

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

#### **514.7.6 PRELIMINARY ALCOHOL SCREENING FOR MINORS**

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

#### **514.8 PRESUMPTIVE URINE TESTING PROTOCOL**

The MedTox VERDICT®II test device provides a preliminary analytical test result for THC/Cocaine/Opiates/Methamphetamine/MDMA. This test does not replace the laboratory tests conducted by the Ventura County Criminal Laboratory, it is intended to serve as an additional tool for officers in determining if subjects have illicit drugs in their systems. The test will be administered to all persons arrested for Health and Safety Code § 11550. This test, although not admissible in court, may be considered by the District Attorney in filing criminal charges pending the results of the confirmed laboratory test from the Ventura County Crime Lab.

#### **514.8.1 REPORTING PROCESS**

Upon the successful completion of a non-negative test, the officer will process the suspect in the normal manner and will submit a chemical sample to the Ventura County Crime Lab for a confirmatory test. In the crime report, the officer shall record the results of the urine test in a similar fashion:

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- (a) "On (date) at (time), I tested the suspect's urine sample with the MedTox Verdict II kit. The results were nonnegative for (substance) and consistent with my opinion that the suspect was under the influence of that controlled substance."
- (b) If an officer receives a negative test result, the officer will contact the Watch Commander or immediate supervisor for direction on further processing of the arrestee.

#### **514.8.2 CERTIFICATION**

Personnel shall be certified by MedTox Scientific prior to completing urine tests using the VERDICT-II® test device. Personnel shall review the five-page training manual then complete the five-page certification quiz. The completed quiz will be mailed to MedTox for scoring. If personnel attain a score of 80 percent or better, MedTox will issue a Certificate of Achievement.

## Traffic Citations

### **516.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### **516.2 RESPONSIBILITIES**

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Traffic Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

### **516.3 DISMISSAL OF TRAFFIC CITATIONS**

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Field Services Bureau Chief. Upon a review of the circumstances involving the issuance of the traffic citation, the Field Services Bureau Chief 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. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Field Services Bureau Chief for review.

### **516.4 VOIDING TRAFFIC CITATIONS**

Voiding a traffic citation may occur when a traffic citation has not been completed, when it has been completed but not issued, or when a citation was issued but not processed. All copies of the citation shall be presented to the Watch Commander or field supervisor to approve the voiding of the citation. The retracted citation will also be accompanied by a memorandum addressed to the Field Services Bureau Chief explaining the need to void the citation. Upon final approval from the Field Services Bureau Chief, the citation and copies shall then be forwarded to the Records Division Manager.

### **516.5 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 Notice of Amendment requesting a specific correction to his/her immediate supervisor. The citation and Notice of Amendment shall then be forwarded to the Records Unit. The Records Unit shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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#### **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by employees of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Division.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Traffic Unit.

#### **516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

##### **516.7.1 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 Oxnard 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 his/her own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

##### **516.7.2 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 and Vehicle Code § 40210).

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#### **516.7.3 COSTS**

- (a) There is no cost for an administrative review.
- (b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of his/her inability to pay, before receiving an administrative hearing.
- (c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

## **Disabled Vehicles**

### **520.1 PURPOSE AND SCOPE**

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### **520.2 OFFICER RESPONSIBILITY**

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### **520.3 EXTENT OF ASSISTANCE**

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### **520.3.1 MECHANICAL REPAIRS**

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

### **520.4 PUBLIC ACCESS TO THIS POLICY**

This written policy is available upon request.

## **72-Hour Parking Violations**

### **524.1 PURPOSE AND SCOPE**

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Oxnard City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22652.6 and § 22669.

### **524.2 MARKING VEHICLES**

Vehicles suspected of being in violation of the City of Oxnard 72-Hour Parking Ordinance shall be marked and noted on the Oxnard Police Department 72-Hour Warning Card. No case number is required at this time.

A visible 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 72-Hour Warning 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 72 hours prior to removal.

All 72-Hour Warning 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 72-Hour Warning 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.

#### **524.2.1 MARKED VEHICLE FILE**

The Traffic Unit shall be responsible for maintaining a file for all Marked Vehicle Cards.

Traffic Service Assistants assigned to the Traffic Unit shall be responsible for the follow up investigation of all 72-hour parking violations noted on the 72-Hour Warning Cards.

#### **524.2.2 VEHICLE STORAGE**

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Division immediately following the storage of the vehicle. It shall be the responsibility of the Records Division to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento ( Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

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## **Administrative Per Se Law (APS)**

### **525.1 PURPOSE AND SCOPE**

This policy provides for the immediate suspension of a California driver's license in certain "Driving Under the Influence" (DUI) cases and in "Zero Tolerance" incidents. Vehicle Code § 13382 (a) and (b), and § 13388 (b) require that peace officers immediately suspend driving privileges in certain situations involving arrests for Vehicle Code § 23152 and § 23153. This policy also describes the policy dealing with "Zero Tolerance" laws.

### **525.2 SUSPENSION OF CALIFORNIA DRIVER'S LICENSES**

The driver's license of a person suspected of driving under the influence of alcohol, shall immediately be suspended under any of the following circumstances:

- (a) The arrestee refuses to submit to a chemical test.
- (b) The arrestee fails to complete the selected test.
- (c) The arrestee declines a breath test and demands a blood or urine test, and, the arresting officer has reasonable cause to believe that the arrestee's Blood Alcohol Content (BAC) will exceed the .08% level.
- (d) The arrestee completes the breath tests which show a BAC of .08% or higher.

#### **525.2.1 ZERO TOLERANCE LAW**

Vehicle Code § 23136 & § 23140 were enacted to reduce alcohol related incidents by persons under the age of 21. A person under 21 years of age may have his or her license suspended under the following circumstances:

- (a) When suspected of consuming alcohol and refusing a PAS test.
- (b) Who has a blood-alcohol level of .01 percent or greater.

Zero Tolerance requires PAS device as the primary test. If the device is not available, one of the other chemical tests must be completed. Under Zero Tolerance, only the PAS device result is required. If the driver's PAS reading warrants arrest and further chemical testing, the DMV does not require completion of the "Chemical Test" section of the DS367m form. Once the PAS certification is complete, the Zero Tolerance requirement has been met.

### **525.3 PEACE OFFICER'S RESPONSIBILITY**

In any of the above situations, the peace officer, acting on behalf of the Department of Motor Vehicles, shall do the following:

- (a) Confiscate any California Driver's License(s) in the possession of the driver. If the subject has an APS temporary license document, do not confiscate.
- (b) Complete and serve the "Administrative Per Se Order of Suspension" (DMV form DS367, DS367m or DS367s (Officer's Statement and Order of Suspension), 4th page on the driver regardless of license status.
- (c) The officer will inform the driver that the "Administrative Per Se Order of Suspension", form DS367, DS367m or DS367s along with his/her violator's "Notice to Appear" (except "zero Tolerance") or other release from custody document will serve as the driver's temporary license. If the driver's privilege to drive is suspended or

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## Policy Manual

### *Administrative Per Se Law (APS)*

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revoked, the order will not be a valid temporary license. If the subject presents an APS suspension order/temporary license, do not confiscate the order and do issue another order pursuant to the current DUI arrest.

#### **525.4 DEPARTMENT OF MOTOR VEHICLES NOTIFICATION**

The following specified items must be forwarded to the Department of Motor Vehicles within five regular business days:

- (a) Officer's Statement form DS367 or DS367m (minor) or DS367s (Spanish).
- (b) Order of Suspension form DS367, DS367m or DS367s (pages 2 and 3).
- (c) Copy of the printout of the breath test (if taken).
- (d) Traffic collision report if applicable.
- (e) The offender's California driver's license.

#### **525.5 PROCESSING OF FORMS**

In order to ensure that the DMV and Police Department forms are routed properly, the following responsibilities are identified:

##### **525.5.1 PSO AND RECORDS RESPONSIBILITY**

The PSO and records technician are responsible for the following:

- (a) Copies of documents required by DMV are to be made for the Department Files and the originals are then to be forwarded to the Department of Motor Vehicles.
- (b) Providing a copy of DMV form DS367, DS367m or DS367s to the Records Unit.
- (c) One copy of the Forensic Alcohol Examination Report shall be attached to the second copy of form DS367, which shall then be forwarded to the Records Unit.

If the Department of Motor Vehicles should return form DS367, DS367m or DS367s for corrections, the PSO or records technician must notify the officer who made the arrest of the needed corrections. The officer shall make the corrections by lining out the incorrect information with a single line and initialing above the corrected area including the date the correction was made.

White out and strikeouts are not acceptable forms of correction. The form(s) shall then be returned to the Records Unit to be returned to the DMV.

##### **525.5.2 PSO RESPONSIBILITY**

It is the responsibility of the PSO to promptly deliver physiological specimens to the Ventura County Sheriff Crime Laboratory as soon as possible after receipt to ensure that the above time requirements are met.

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**Chapter 6 - Investigation Operations**

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## Sexual Assault Victims' DNA Rights

### 602.1 PURPOSE AND SCOPE

Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

### 602.2 INVESTIGATION CONSIDERATIONS

#### 602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)).

- (a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

#### 602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a or 289, the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If 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(b)(1)).
  1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
  2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

### 602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).

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### *Sexual Assault Victims' DNA Rights*

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- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

#### **602.4 VICTIM NOTIFICATION OF DNA STATUS**

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.
  - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
  - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
  - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
- (c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
  - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. No officer shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

#### **602.5 DESTRUCTION OF EVIDENCE**

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

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## Asset Forfeiture Policy

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

### 606.2 ASSET SEIZURE AUTHORITY

Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488(a) specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

### 606.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a narcotics detective. The following guidelines will be observed:

- (a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form opposing forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.
- (b) When someone has made notification other than the asset forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the asset forfeiture detective in the Narcotics Unit, for review.
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources.
- (d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
- (e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit or Narcotic Enforcement Team.

#### 606.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture."

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## Policy Manual

### *Asset Forfeiture Policy*

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#### **606.3.2 SEIZED CURRENCY**

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Currency seized will be booked into evidence by the investigating officer as per standard department policy. A notation on the evidence form should read "seized pursuant to 11470 H&S." As soon as practical, the asset forfeiture detective will deposit the funds into the designated asset forfeiture account. In the event the seizure occurs during business hours, the funds may be deposited directly into the account by the supervisor or asset forfeiture detective.

#### **606.3.3 SEIZED VEHICLES**

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

#### **606.4 ASSET FORFEITURE LOG**

A computerized inventory of all asset forfeiture cases shall be kept in the Narcotics Unit. The inventory shall include the following:

- (a) Case number.
- (b) Date of seizure.
- (c) Value.
- (d) Type of seizure (federal or state).
- (e) Status of the seizure.

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

#### **606.4.1 ASSET FORFEITURE FILES**

A file for each asset forfeiture case shall be kept in the Narcotics Unit and maintained by the asset forfeiture detective. The files will be kept for a period of five years from the date that the case has been closed, at which time they may be destroyed. The file shall include the following:

- (a) Copy of the Notice of Non-Judicial Forfeiture.
- (b) Copy of the Property Receipt.
- (c) Copy of the Disclaimer forms (if applicable) .

# Oxnard Police Department

## Policy Manual

### *Asset Forfeiture Policy*

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- (d) Copies of correspondence to and from the District Attorney's and the Department Financial Services Manager.
- (e) A cover sheet with an ongoing status of the case.

#### **606.4.2 DUTIES OF THE ASSET FORFEITURE INVESTIGATOR**

- (a) Maintain the asset forfeiture log.
- (b) Maintain the asset forfeiture files.
- (c) File all asset forfeiture cases with the District Attorney's Office in a timely manner.

#### **606.5 PROCEEDS FROM FORFEITURE**

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

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# Confidential Informants

## 608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Oxnard Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

### 608.1.1 DEFINITION OF AN INFORMANT

An Informant is a person who, under the direction of a specific officer, furnishes information or performs other lawful service for a law enforcement agency, generally with the expectation of compensation or favor. A person who merely provides information on criminal actions or suspicions, without expectation of gain or reward, may not be considered an informant. Individuals who are routinely directed or requested to gather information should be documented as an informant.

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

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*Confidential Informants*

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[REDACTED]

[REDACTED]

**608.3 USE OF INFORMANTS**

[REDACTED]

**608.3.1 JUVENILE INFORMANTS**

[REDACTED]

[REDACTED]

**608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

[REDACTED]

[REDACTED]

**608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

No member of the Oxnard Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Oxnard Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Oxnard Police Department, and that they shall not represent themselves as such.

# Oxnard Police Department

## Policy Manual

### Confidential Informants

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- (e) The relationship between officers and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval from an investigations unit supervisor.
- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of an investigations unit supervisor.

[REDACTED]

[REDACTED]

#### **608.4.2 SUPERVISOR NOTIFICATION OF INFORMANT CRIMINAL ACTIVITY**

Any member of the Department who discovers that a confidential informant has violated the law will immediately notify his/her supervisor of the behavior. The supervisor will then notify the Investigative Services Bureau Commander and ensure proper action is taken with regards to the informant. If an informant begins working with the Department and his/her involvement in a crime is discovered after he/she begins work, the same procedure will apply. However, since the crime occurred prior to the informant relationship there is a possibility the criminal act could be added to the informant's contract. This will be decided on a case-by-case basis, and the decision will involve the handling officer's chain of command. An example would be a Cal-ID hit on a previous theft that is discovered after the informant begins work.

#### **608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

##### **608.5.1 PAYMENT PROCEDURE**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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*Confidential Informants*

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**608.5.2 CASH DISBURSEMENT POLICY**

[REDACTED]

[REDACTED]

[REDACTED]

**608.5.3 PAYMENT PROCESS**

[REDACTED]

[REDACTED]

**608.5.4 PAYMENTS EXEMPT FROM REPORTING**

The Department is not required to issue a return of information pursuant to § 6041 of the Internal Revenue Code (IRS form 1099) for payment it makes to a confidential informant for information relating to criminal activity (26 CFR § 1.6041-3). A record of each payment made to a confidential informant shall be retained in the confidential informant's file.

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Oxnard Police Department  
Policy Manual

**Chapter 7 - Equipment**

## **Department Owned and Personal Property**

### **700.1 PURPOSE AND SCOPE**

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing his/her 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 his/her chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for his/her 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 "Claims for Damages" form located in the Admin section of Public Folders on the Intranet. 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 Bureau Chief, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's memo shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by the appropriate Bureau Chief, 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 City Clerk's office.

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.

# Oxnard Police Department

## Policy Manual

### *Department Owned and Personal Property*

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#### **700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Bureau Chief.

## **Personal Communication Devices**

### **702.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of mobile phones and personal communication devices.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all personal communication devices (PCD's) as such, but is intended to include all mobile phones, PDA's, and other such wireless two way communication devices.

### **702.2 DEPARTMENTALLY ISSUED PERSONAL COMMUNICATION DEVICES**

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including related records) at any time. Personnel shall carry these Department issued PCD's while on-duty.

#### **702.2.1 INDIVIDUALLY OWNED PERSONAL COMMUNICATION DEVICES**

Employees may carry his/her own individually owned PCD while on-duty subject to the following conditions:

- (a) Carrying an individually owned personal communication device is optional.
- (b) The device shall be purchased, used and maintained at the employee's expense.

#### **702.2.2 USE OF PERSONAL COMMUNICATION DEVICES**

When the use of a PCD is necessary for department business, personnel shall use his/her department issued PCD.

- (a) Extended or frequent use of department issued PCD's, for personal use, may subject employees to discipline.
- (b) Extended or frequent use of personally owned PCD's, while on-duty, for personal use may subject employees to discipline.
- (c) Personal phone calls should be conducted in a brief and infrequent manner that will not diminish or impact the effectiveness of assigned duties.

#### **702.2.3 USE WHILE DRIVING**

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless that device is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving (Vehicle Code § 23123 (a)).

While Vehicle Code § 23123 does not apply to an officer operating an emergency vehicle in the course and scope of his or her duties, the instances in which an officer uses a PCD without a hands-free configuration shall be restricted to matters of an urgent nature and, where practical, the officer should stop the vehicle at an appropriate location to complete his/her call.

# Oxnard Police Department

## Policy Manual

### *Personal Communication Devices*

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Personnel shall not read, or send, text messages or emails while driving.

#### **702.2.4 USE OF PCD FOR COMMUNICATIONS CENTER REQUESTS**

All phone conversations and employee requests of the Public Safety Dispatchers shall be made through published and recorded Communications Center phone lines. There will be no use of Public Safety Dispatchers PCD's (cell phones) for professional interactions including but not limited to advising unit locations, CLETS requests or information exchange related to Communications Center operations. Information that needs to be relayed to the Communications Center can not be made via PCD in the form of phone conversations and/or text messages.

## Vehicle Maintenance

### **704.1 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.

### **704.2 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.

### **704.3 VEHICLE EQUIPMENT**

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

#### **704.3.1 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:

- (a) Two (2) sticks yellow crayon or chalk.
- (b) Five (5) cones.
- (c) One (1) "Roll-a-tape."
- (d) One (1) roll barricade tape.
- (e) One (1) first aid kit.
- (f) One (1) fire extinguisher.
- (g) Personal protective equipment per Policy Manual § 1016 and § 1024.

#### **704.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- (a) One (1) fire extinguisher.
- (b) Personal protective equipment per Policy Manual § 1016 and § 1024.

### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at authorized locations.

### **704.5 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.

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# Oxnard Police Department

## Policy Manual

### *Vehicle Maintenance*

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Police units are generally washed once a week, through a contracted car wash service. This may vary based on weather conditions or budget constraints.

In the event a police unit needs to be washed outside of the designated car wash day, the officer shall obtain clearance from his/her immediate supervisor or the Watch Commander before responding to the local car wash.

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.

#### **704.6 CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before being taken for service/maintenance. Civilian employees shall also prominently display the "out of service" placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Policy Manual

**Chapter 8 - Support Services**

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# Emergency Communications Center (ECC)

## 802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

### 802.1.1 FCC COMPLIANCE

Oxnard Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

## 802.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between the ECC and officers.

## 802.3 OPERATIONAL GUIDELINES

The operational guidelines, policies and procedures for the ECC have been consolidated in the manuals listed below. These manuals provide a detailed description of the ECC's operation. Each Public Safety Dispatcher (PSD) is responsible for knowing and complying with the guidelines outlined in these manuals.

- (a) ECC Manual.
- (b) Training Manual.

## 802.4 SUPERVISION

- (a) Communications Manager
  - 1. Responsible for the direct management and operation of the ECC.
- (b) Public Safety Dispatcher III
  - 1. Assigned to the ECC to provide and ensure continuous and direct supervision of the ECC.
  - 2. Complete knowledge and understanding of all operating systems and information systems in the ECC.
  - 3. Ensure compliance of all established policies and procedures.
- (c) The Communications Manager provides guidance and direction.

## Community Service Officer

### **803.1 PURPOSE AND SCOPE**

To establish policy, duties, responsibilities and procedure for the operation of the Community Service Officer position and unit.

### **803.2 METHOD**

The purpose of the Community Service Officer (CSO) Unit is to provide support to all major divisions within the Police Department. Supervision of the CSOs will come under the direction of individual Division Manager or the Watch Commanders within the organization. The Division Manager will perform functional management. Shift commanders and Supervisors will have direct supervisory responsibility of CSOs.

- (a) CSOs will report to the on-duty Watch Commander or their designated division supervisor upon arrival to work for specific assignment or duties as needed.

### **803.3 DUTIES AND RESPONSIBILITIES**

- (a) CSOs are civilian Police Department employees who may be assigned to perform a wide variety of duties.
- (b) CSOs will be required to provide a full range of service, including, but not limited to:
  1. Interview victims/witnesses, compile and conduct photographic lineups.
  2. Investigate criminal and civil backgrounds.
  3. Identify, preserve, collect, and package evidence.
  4. Arrange for emergency traps or line traces with the phone company.
  5. Prepare comprehensive reports, including case documents and materials for submission to the District Attorney.
  6. Enter Data into the Department computer systems for analysis and record keeping.
  7. Conduct vehicle maintenance and inventory.
  8. Assist with the maintenance and property and evidence.
  9. Assist in completing a variety of patrol and investigative duties.
  10. Perform other duties as assigned.
- (c) CSOs are not police officers and will not:
  1. Exercise peace officer powers of arrest.
  2. Become involved in situations that would likely lead to injury or arrest.
  3. Respond to Priority 1 calls or in-progress calls for service.
  4. Be utilized as back-up on calls for service.
  5. Self-dispatch to service calls in the field.

### **803.4 TRAINING (PRIOR TO BEING ASSIGNED TO FIELD DUTIES)**

- (a) All CSOs will receive a minimum of 320 hours of training in:
    1. Department policy/rules and regulations.
-

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2. Community-based policing.
  3. Report writing/dictation.
  4. Laws.
  5. Patrol procedures.
  6. Evidence.
  7. Traffic.
  8. Communications.
- (b) Field training will be completed in a specified training period.
- (c) CSOs assigned to specialized positions will receive appropriate training.
- (d) The probationary period for all CSOs is one year from date of assignment.
- (e) CSOs are required to comply with all City of Oxnard rules and regulations, applicable Oxnard Police Department Policies, reference manuals and other rules that govern the conduct and procedures of employees of the Oxnard Police Department.

### **803.5 BUREAU ASSIGNMENT**

- (a) CSOs may be assigned to any of the following Police Department bureaus.
1. Field Services.
  2. Administrative Services.
  3. Investigative Services.
- (b) All CSOs will have Field Services as their basic assignment.
1. Patrol Field Support will be the basic Field Services assignment.
  2. Property Room CSO will be assigned to Administrative Services.
  3. The lateral assignments include:
    - (a) Front Desk CSO - Field Services.
    - (b) Court Liaison CSO - Investigative Services.
    - (c) Violent Crimes Unit CSO - Investigative Services .
- (c) All CSO lateral assignments will be for a term of three (3) years. One year extensions based on performance may be made up to two (2) years, for a maximum of five (5) years total. To qualify for performance extensions a CSO must have an overall rating of "Meets Job Requirements" on the last evaluation in the third year. The performance level must be maintained and documented in an evaluation during year the fourth year to qualify for the final one-year extension CSOs may reapply for their position, not to exceed two (2) terms. Exceptions to this rule would include when no other qualified CSO applies for an opening or at the needs of the Department as determined by the affected bureau chief. While completing an entire term is not required, fulfilling one's commitment to the original assignment may be a determining factor in future lateral assignment selection processes. Upon the completion of a second term and term extensions (if applicable), CSOs must return to field duty in the Field Services Bureau for one (1) year before reapplying for the same position. Exceptions to this rule would include when no other qualified CSO applies for an opening or at the needs of the Department as determined by the affected Bureau Chief.
- (d) Duties and Responsibilities of the CSO Assignments:
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1. The Patrol Field Support CSOs may be assigned to or perform the following tasks:
    - (a) Non-emergency traffic accidents (except for hit and runs) or other related duties.
    - (b) Station or desk duties handling non-emergency calls for police service.
    - (c) Assist police personnel in performing a variety of patrol functions and duties as assigned.
    - (d) Field Support CSOs will refrain from performing activities that will involve direct contact or surveillance of possible criminal offenders. Such activities to be avoided will include surveillance of any location where a known criminal suspect may reside, loiter, or work; conducting records checks for follow-up on known criminal suspects when not requested by a Field Supervisor or the Watch Commander; initiating any direct contact with any potential criminal suspects; or any other self-initiated activities that would place them in unnecessary risk involving potential criminal suspects.
  
  2. The Front Desk CSOs may be assigned to various administration functions, including:
    - (a) Vehicle maintenance/inventory.
    - (b) Monitor false business/residential alarms and bill violators.
    - (c) Scheduling/tracking of Department personnel assigned to the Field Services Bureau.
    - (d) Handling non-emergency calls for police service for walk-ins at the front lobby of the Department.
    - (e) Interacting and assisting with questions of walk-ins at the front lobby of the Department.
    - (f) Maintenance of department property and evidence.
    - (g) Duties as assigned by supervisor or Watch Commander.
  
  3. The Court Liaison CSO may be assigned to:
    - (a) Criminal and non-criminal follow-up investigations as assigned by a detective supervisor or the Investigative Services Bureau Commander.
    - (b) Logging and tracking all criminal cases being submitted to the District Attorney.
    - (c) Logging and tracking all requests from the District Attorney for follow-up investigation or warrant declarations.
    - (d) Interface with members of the District Attorney and Sheriff's Department as needed to file criminal cases or warrant declarations.
    - (e) Assist with search warrant services after police officers have made entry and secured the location. Assistance by the CSOs includes completing property sheets, documents related to the search warrant as directed by the case agent, photography, traffic/pedestrian control, other duties as assigned.
    - (f) Duties as assigned by a detective supervisor or the Investigative Services Bureau Commander.
  
  4. The Violent Crimes Unit CSOs may be assigned to:
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- (a) Criminal and non-criminal follow-up investigations as assigned by a detective supervisor or the Investigative Services Bureau Commander.
  - (b) Track and catalog tagger/gang related graffiti/crimes.
  - (c) Photograph, measure, and document tagger/gang related graffiti in the field.
  - (d) Duties as assigned by a detective supervisor or the Investigative Services Bureau Commander.
5. The Property Room CSOs may be assigned to:
- (a) Record, track, and properly store all types of property received by Property.
  - (b) A variety of administrative duties involving the storage, destruction, or cataloging of property received by the Property Room.
  - (c) Ordering office supplies for the Field Services Bureau.
  - (d) Duties as assigned by the Property Room Supervisor or the Records Manager.
  - (e) Shift assignments will be made in the following manner:
    - 1. Field Services Bureau:
      - 1. Six (6) month assignments and in accordance with the Patrol shift selections.
      - 2. Assignments will be chosen by the seniority of those CSOs assigned to the Patrol Division.
      - 3. CSOs will be allowed to remain on the same shift assignment for a maximum of one year.
    - 2. Administrative Services/Investigative Services Bureaus:
      - 1. Assignments will be based on the operational needs of the assigned bureau.

### **803.6 DISPATCHING COMMUNITY SERVICE OFFICERS**

- (a) CSOs will not dispatch themselves to police calls for service. The Communications Center will dispatch CSOs to police calls for service. The field supervisor or Watch Commander may also dispatch CSOs to police service calls.
- (b) CSOs assigned to specific districts will be dispatched to police services calls within those assigned areas. They are an integral part of the district team and will be included in the team's problem solving strategies. There are times that it may be appropriate to dispatch them outside of their assigned districts. In the event that there is a need to dispatch them to a call outside of their assigned district, Watch Commander approval must be obtained prior to the dispatching.

### **803.7 SELECTION PROCESS FOR COMMUNITY SERVICE OFFICER LATERAL ASSIGNMENTS**

The selection process for lateral assignments will comply with the following procedures:

- (a) A notice will be posted and distributed that describes the position and any selection criteria that will be used, such as a demonstration of a skill or completion of a written exercise.

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- (b) The notice shall be clearly posted for a minimum of ten calendar (10) days, and shall also be sent to personnel on the Department's email system.
- (c) All CSO lateral assignments shall require a minimum of two (2) years of CSO experience with at least one (1) year with the Oxnard Police Department.
- (d) Interested applicants shall submit a resume along with a memo expressing their intent to apply for the position.
- (e) All CSO lateral assignment candidates must have the written approval of their current supervisor to be considered. This approval shall not be viewed as a recommendation or endorsement, but is limited to their stating that the employee's performance is acceptable and that he/she meets the assignment's minimum requirements. If a supervisor declines to approve a candidate, the supervisor shall prepare a written explanation of the reasons for declining.
- (f) The candidates may be interviewed by the appropriate commander or an oral panel. The same questions will be asked of the all candidates. Specific inquiries into individual areas of concern may also be made. Candidates may also be asked to complete a written exercise or perform a skill-based demonstration of their competency as it pertains to the specific assignment. Additional phases such as an exam, practical, or other task-related exercise may be required pursuant to the unit manual or department policy governing the specific unit.
- (g) The commander will thoroughly evaluate the eligible candidate's work history, training, experience, disciplinary action, and potential future performance before recommending a selection to the bureau chief, who will select the most qualified candidate(s).
- (h) Eligible candidates may request information on their performance at the conclusion of the selection process and the basis for the final selection. The commander or an oral board chairperson will provide this information as soon as possible.
- (i) Every open position will require a new selection process.
- (j) In the event that none of the applicants are deemed acceptable or no one applies for the position, the Chief of Police may appoint someone of his/her choosing.

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## Property and Evidence

### 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

### 804.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- (a) Property obtained by the Department for safekeeping such as a firearm.
- (b) Personal property of an arrestee not taken as evidence.
- (c) Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons).)

All items booked as safekeeping, except firearms, will be held at the property room for sixty (60) days. If the property goes unclaimed, it will be disposed of in an appropriate manner as prescribed by law.

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly barcoded and placed in the designated property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

#### 804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the necessary information in the bar coding software describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Print a bar code label and attach it to each package or envelope in which the property is stored.

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- (d) Place the case number in the upper right hand corner of the bag.
- (e) If a property receipt is issued, the original shall be submitted to the Records Unit. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, on-call property room personnel should be called to take possession of the property so as not to disrupt the chain of custody.

#### **804.3.2 NARCOTICS AND DANGEROUS DRUGS**

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in a property locker.

#### **804.3.3 EXPLOSIVES**

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be transported directly to the fire department by the officer or CSO and not booked into the property room.

Officers who encounter an explosive device shall immediately notify the immediate supervisor and/or Watch Commander. The bomb squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

#### **804.3.4 EXCEPTIONAL HANDLING**

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime will be placed in the designated container in the supply room in the back of the briefing room for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. A bar code will be attached to a blank card and securely attached to each bicycle or bicycle frame. The bike should be placed in the sally port until a property officer can log the property.
- (d) All cash over \$300 shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.
- (e) Latent fingerprints cards and elimination prints are to be bar coded and the information completed on the envelope and submitted in the small slot of the evidence lockers.
- (f) Urine and blood samples will be placed in the refrigerator and never in the non-refrigerated lockers. Officers will tag each sample with a bar code and deposit in the slot within the locked steel container located in the refrigerator.

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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#### **804.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Paraphernalia as described in Health & Safety Code § 11364.
- (e) Different categories of property such as evidence and found property.
- (f) Contraband.
- (g) Property does not accept the following items:
  - 1. Explosives/flammables/fireworks.
  - 2. Open food or other consumables.
  - 3. Field interview cards.
  - 4. Store reports/victim and witness statements/declaration of ownership.

##### **804.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A bar code shall be securely attached to the outside of all items. When submitting an item of evidence, it needs only to be sealed with clear packaging tape. **Staples are not acceptable.**

##### **804.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed or counted, packaged, tagged, and placed in an evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. Loose drugs should be double heat sealed to ensure nothing leaks out. The booking officer shall initial the sealed envelope and the initials covered with clear tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed bar code shall be attached to the outside of the container. Dollar bills that are rolled up and used as inhalant/snorting devices and may have drug residue are to be booked in currency evidence envelopes and marked as best evidence.

##### **804.4.3 USE OF BLOOD LOCKERS**

Blood lockers are to be used to dry blood stained or wet evidence. The lockers are located in the outbuilding in the north parking lot of the Public Safety Building. The door to the room housing the blood lockers will remain closed and locked at all times. The key to this door is located in a lock box in the Watch Commander's office.

The Watch Commander will be responsible for issuing the key that unlocks the blood locker storage area. Personnel must sign the key in and out of a key log maintained by the Watch Commander. Once items are placed into a blood locker, the locker key shall be removed

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and returned to the Watch Commander. The Watch Commander will cause a notation to be made in the blood locker key log noting the person's name, ID number, date, time, and locker number. This locker key will be stored in the same lock box as the one housing the blood locker door key.

Once the blood is dried on the evidence the responsible employee will return to the Watch Commander's office and sign out the blood locker key as before. The responsible person will remove the blood stained evidence from the locker, lock the door, and remove the key. He/she will package the blood stained evidence in accordance with current policy. The responsible person will drop the blood locker key in the drop box in Property. This will alert property personnel that the locker must be cleaned. When the cleaning crew needs access to clean the floors and empty the trash, he/she must sign out the key to the blood locker storage area from the Watch Commander. He/she must also return the key to the Watch Commander when finished.

#### **804.4.4 USE OF MARIJUANA LOCKER**

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

#### **804.5 RECORDING OF PROPERTY**

The property officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored in the electronic bar code system.

A property number shall be assigned for each item automatically by the bar code system as the officer is entering each item.

Any changes in the location of property held by the Department shall be noted in the bar code system.

#### **804.6 PROPERTY CONTROL**

Each time the property officer receives property or releases property to another person, he/she shall enter this information in the bar code system. Officers requesting property for court shall contact the property officer at least one day prior to the court day. Narcotics may

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only be checked out by an officer for court purposes and require the supervisor's signature as well as the officer's.

#### **804.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry in the bar code system shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the evidence.

#### **804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time in the bar code system.

The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Unit for scanning with the case.

#### **804.6.3 STATUS OF PROPERTY**

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the bar code system, stating the date, time and to whom released.

The property officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to the Property Unit, or properly released to another authorized person or entity.

The return of the property should be recorded in the bar code system indicating date, time, and the person who returned the property.

#### **804.6.4 AUTHORITY TO RELEASE PROPERTY**

A detective or officer shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

#### **804.6.5 RELEASE OF PROPERTY**

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

All items booked as found property will be held at the property room for ninety (90) days. If the property goes unclaimed by the owner, the finder has the option of claiming the property. The only exception is found firearms which cannot be claimed by the finder. 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 receipt 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.

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A property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded in the bar code system. Once all items are gone, an electronic print out is scanned into the case file. Upon release, the proper entry shall be documented in the bar code system.

#### **804.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

#### **804.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS**

The Property Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

#### **804.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

##### **804.7.1 EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- (a) Weapons declared by law to be nuisances (Penal Code §§ 12028, 12029, 12251).
- (b) Counterfeiting equipment (Penal Code § 480).
- (c) Gaming devices (Penal Code § 335a).
- (d) Obscene matter ordered to be destroyed by the court (Penal Code § 312).
- (e) Altered vehicles or component parts (Vehicle Code § 10751).
- (f) Narcotics (Health & Safety Code § 11474, etc.).
- (g) Unclaimed, stolen or embezzled property (Penal Code § 1411).
- (h) Destructive devices (Penal Code § 12307).

##### **804.7.2 UNCLAIMED MONEY**

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that

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the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than fifteen dollars (\$15.00), or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

#### **804.7.3 RETENTION OF BIOLOGICAL EVIDENCE**

The Property Unit 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) An Investigative Services Bureau supervisor.

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9), the Property Unit supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 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 appropriate Investigative Services Bureau supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the bureau chief and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the Family Protection Unit supervisor should be consulted and the sexual assault victim should be notified.

#### **804.7.4 DIVERSION OF PROPERTY**

Property that has been identified as useful for departmental purposes will be processed for conversion for department use in the following manner:

All diversion requests will be documented on a memo format to the division commander/manager requesting approval to convert property for department use. The memorandum will need to contain justification for the diversion that establishes a legitimate purpose for the request. Upon approval, a property diversion memorandum will

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be processed by property with the authorized signatures. If a diversion request involves firearms, narcotics, or currency, bureau chief approval will be required. The Property Unit will be responsible for maintaining all diversion requests.

Diversions involving firearms will be updated in the AFS system as "*converted to department use.*" When the firearm is identified as no longer useful for department purposes, the firearm will be turned back over to the Property Unit for destruction pursuant to Penal Code § 12030 (c).

#### **804.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually, or as directed by the bureau chief.
- (c) An annual audit of evidence held by the Department shall be conducted at the direction of a bureau chief not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

#### **804.9 FIREARMS**

Guns must be listed in the bar code system by manufacturer, model, caliber, and serial number. This information should be obtained from the firearm. The type of firearm, or DOJ designation, should also be noted (i.e. revolver, pistol, rifle, shotgun, assault weapon, or automatic).

An officer must have the Records Unit clear all firearm serial numbers through CLETS before booking into Property and submit the paperwork with the firearm. Since there may be multiple "hits" on one serial number, it is incumbent on the officer to determine if one of those "hits" matches the firearm.

If the firearm is stolen, it is incumbent on the officer to contact the originating agency to notify them that the stolen gun has been recovered. Once that is completed, he/she shall then inform the Records Unit so that the firearm can be noted as "recovered" in CLETS.

##### **804.9.1 EVIDENTIARY FIREARMS**

Evidentiary firearms may include firearms located during search warrants, probation/parole searches, seized as evidence as part of a criminal investigation, or similar circumstances that would lend to it being handled as evidence.

Evidentiary firearms may include those firearms located by Department personnel during his/her normal course of duty, or turned in by a member of the public as found property. Evidentiary firearms also include those weapons seized or recovered whose owner/possessor is unknown.

These procedures do not automatically apply to firearms seized for safekeeping, unless circumstances surrounding their seizure suggest the need for the collection of physical evidence from the items.

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In the event of any found, recovered, or seized firearm, a report shall be completed that details the circumstances related to the recovery of the weapon.

Safety considerations will take priority over all procedures described in this section.

When a firearm is located during the course of an investigation and is being seized for evidentiary purposes, or is found property and the owner of the firearm is unknown, officers shall handle these items in a manner consistent with the preservation of evidence (fingerprints / DNA / trace evidence) that the firearm may contain.

Evidentiary firearm handling considerations will consider:

- (a) The use of latex gloves.
- (b) Handling the firearm in areas not conducive to retaining fingerprints.
- (c) Packaging the firearm in a gun box or other evidence container which minimizes the likelihood of evidence destruction / contamination.

In cases where possession of the firearm is in question and the item is being submitted to the Crime Scene Investigations Unit for processing, the weapon will be processed for fingerprints and swabbed for future DNA testing, in the event it is needed at a later time.

All firearms listed as found property where the owner of the firearm is not known will also be processed for fingerprints and swabbed for future DNA testing. All swabs taken from the firearm for future DNA testing shall be placed into evidence by the CSI technician and retained as evidence through the completion of the investigation, adjudication of the case, or expiration of the statute of limitations. The handling of the firearm by the CSI technicians should be conducted in a manner consistent with the preservation of physical evidence should future processing of the weapon be requested by investigators.

When an evidentiary firearm is seized or recovered, a written request to process the item for DNA and/or fingerprints shall be completed by the recovering officer.

When evidentiary firearms are test fired for function, comparison to physical evidence from crime scenes, or for the purpose of developing test fires for entry, the firearms examiner shall handle the firearm in a manner consistent with the preservation of physical evidence should future processing of the weapon be requested by investigators. Such procedures should include the use of gloves and other necessary equipment if their use does not affect the ability of the examiner to handle the firearm in a safe manner.

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## Animal Safety Unit

### 805.1 PURPOSE AND SCOPE

To establish policies and procedures for the Animal Safety Unit.

### 805.2 METHOD

The responsibilities of the Animal Safety Unit include the regulation of domestic animals and predator control within the City, the mediation of animal complaints and the inspection of dog license records of residents in the City of Oxnard. To achieve these responsibilities the following guidelines have been established:

#### 805.2.1 RESPONSIBILITY

Overall responsibility rests with the Chief of Police.

- (a) The Animal Safety Unit is organizationally responsible to the Field Services Bureau Chief through the Code Compliance Manager.
- (b) The Animal Safety Unit is under the supervision of the Code Compliance Manager.
- (c) The manager's responsibilities are as follows:
  1. Plan, organize, and supervise the field services programs and the Animal Safety Officers in the enforcement of animal regulations, complaint investigation and follow-up, issuance of citations and animal protection.
  2. Supervise programs to educate the public on animal safety, rabies control and predator information.
  3. Supervise the training of Animal Safety Officers in animal regulations and animal control public relations.
- (d) The Animal Safety Officer's responsibilities are as follows:
  1. Responsible to the Code Compliance Manager.
  2. Enforcement of state, county and city animal regulations.
  3. Investigation of animal complaints, violations of regulations and animal abuse.
  4. Issuance of citations when appropriate, for violations of animal regulations.

### 805.3 PRIORITIZATION SYSTEM

The Animal Safety Unit will respond to and handle animal complaints according to a threefold prioritization system.

#### 805.3.1 PRIORITY ONE

Those situations or circumstances where immediate response is required for the protection of human or animal life; a crime is in progress or a substantial portion of the city is being affected by an animal problem.

Priority 1 situations are:

- (a) Vicious dog or animal threatening at the time.
- (b) Bite cases referred to Ventura County Animal Regulation.

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### *Animal Safety Unit*

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- (c) Injured dogs or cats and the owner is unknown.
- (d) Cruelty to an animal in progress.
- (e) Animal confined at any school yard or building.
- (f) Animal rescues where the loss of the animal's life is in immediate danger.
- (g) A request to meet with police officers, fire department, mental health, or Fish and Wildlife personnel concerning an immediate animal control problem.

#### **805.3.2 PRIORITY TWO**

These situations do not require immediate response, but should be dealt with on the availability of the animal safety officer. The call situations should be evaluated to ensure that there is not a hazard to human or animal life. It should be stressed to the individual reporting these types of incidents that these are non-emergency problems and response will be made on the availability of animal safety officers. Priority 2 situations are:

- (a) The impounding of confined animals or animals caught in set traps.
- (b) Inspection by animal safety officer for rabies, vaccination or licenses.
- (c) Nuisance animals, including barking dogs.
- (d) Animal Safety Officers should handle nuisance animal complaints in the following manner:
  1. Complaining party will be advised of the nuisance animal procedures and be given complaint papers.
  2. Dog owner will be contacted, advised of the complaint and asked to voluntarily comply. Dogs should also be checked for current licenses and rabies vaccination.
  3. Within 7 days of receipt of complaint papers from complaining party, the Animal Safety Officer will return to the dog owner's residence and deliver a copy of the complaint.
  4. The dog owner will also be advised that an administrative hearing will be scheduled with the Poundmaster within 30 days.
- (e) Injured or sick marine life. Ventura County Animal Control or California Fish and Wildlife should be notified in cases dealing with marine life.
- (f) The pick up of dead animals.

Even though the prioritization of complaints and situations dealing with animal safety should be followed as closely as possible, the Animal Safety Officer will respond in those situations where the citizens of the city are demanding action be taken. That action may be the mediation of the problem or as severe as the issuance of a citation.

#### **805.4 STANDBY LIST**

During the times that no Animal Safety Officer is on duty, the Code Compliance Manager will prepare a standby list for call-outs on certain types of situations. Those situations that require officer call-outs or consultation are:

- (a) Injured or sick animals without knowledge of the ownership.
- (b) Situations where an animal's life is in immediate danger.
- (c) Special animal impoundments such as:

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### *Animal Safety Unit*

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1. An animal in possession of a person that has been taken into custody by the Police Department.
2. An animal abandoned as the result of fire, flood, or natural disaster where the owner cannot be located or is not able to provide care and shelter.
3. An animal used for fighting.
4. An illegal animal designed for use in fighting.
5. Vicious animals threatening at that time whether the owner is known or unknown.

#### **805.5 SITUATIONS NOT HANDLED BY ANIMAL SAFETY UNIT**

Situations not handled by the Animal Safety Unit are:

- (a) Problems dealing with gophers, rats, mice or any other small rodents.
- (b) Insects or bugs.
- (c) Living marine life unless other agencies are unable to respond.

## **Records Unit Procedures**

### **806.1 PURPOSE AND SCOPE**

The basic function of the Records Unit is to serve as a repository for all paperwork that is handled by officers and other department personnel in the course of normal daily activities, ensure security of documents, and compliance with applicable laws.

#### **806.1.1 NUMERICAL FILING SYSTEM**

Case reports are scanned by report number and indexed appropriately for ease of retrieval.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

### **806.2 FILE ACCESS AND SECURITY**

All reports and case file information shall be scanned in a secure database accessible to department personnel. Database access shall require a user identification number to provide security and document employee access to report information.

Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

#### **806.2.1 CERTIFICATION OF REPORTS**

Should a report need certification identifying the document as an authentic report generated from Oxnard Police Department files, the report shall be stamped with the appropriate stamp certifying the document is a true and correct copy of the original.

### **806.3 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Records and Property Division Manager, who will in turn forward the petition to the appropriate Investigative Services Bureau sergeant for review.

Upon determination that a finding of factual innocence is appropriate, the Records and Property Division Manager shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Records and Property Division Manager 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.

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## Restoration of Firearm Serial Numbers

### 808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

### 808.2 PROCEDURE

Any firearm coming into the possession of the Oxnard Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

#### 808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

#### 808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the Forensic Firearms Unit Request form that the serial numbers have been obliterated.

#### 808.2.3 OFFICER RESPONSIBILITY

The officer booking the firearm shall fill out the request for the firearms examiner to restore the serial number and submit the form to Property with the firearm.

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### *Restoration of Firearm Serial Numbers*

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#### **808.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **808.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property 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.

#### **808.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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## Release of Records and Information

### 810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

### 810.2 REQUESTS FOR PUBLIC RECORDS

The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

#### 810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Chief of Police or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

### 810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

#### 810.3.1 POLICE REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim Information** - Victims of crimes who have requested that his/her identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).
- (b) **Confidential Information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.

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## Policy Manual

### *Release of Records and Information*

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1. Analysis and conclusions of investigating officers may also be exempt from disclosure.
  2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
- (c) **Specific Crimes** - Certain types of reports involving, but not limited to, child abuse/molestation (Penal Code § 11167.5), elder abuse (Welfare and Institutions Code § 15633) and juveniles (Welfare and Institutions Code § 827) shall not be made public. Release of juvenile information is provided by the Ventura County Juvenile Court through local T.N.G. order.
- (d) **General Information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (e) **Deceased Juvenile Crime Victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- (f) **Mentally Incapacitated Individuals** - Reports involving individuals taken into custody as a result of mental disorder (Welfare and Institutions Code § 5150) shall not be made public.

#### **810.3.2 ARREST REPORTS**

Arrestee information shall be subject to release as outlined in Government Code § 6245(f)(1).

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

#### **810.3.3 TRAFFIC COLLISION REPORTS**

Traffic collision reports (and related supplemental reports, diagrams and photographs) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles, other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

Traffic collision reports involving a fatality shall not be released without prior approval of the Traffic Collision Investigator.

#### **810.3.4 PERSONNEL RECORDS**

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254(c); Penal Code § 832.7; Penal Code § 832.8).

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### *Release of Records and Information*

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Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order ( Evidence Code § 1043, et seq.).

The identity of an officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police or as required by law.

#### **810.3.5 FIREARM PERMITS**

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

#### **810.3.6 DOMESTIC VIOLENCE REPORTS**

Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

#### **810.4 OTHER RECORDS**

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege or to the security of the department's electronic technology systems (Government Code § 6254(k) and Government Code 6254.19).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving the Department shall not be subject to public disclosure (Government Code § 6254(b)).

#### **810.4.1 PERSONAL IDENTIFYING INFORMATION**

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

#### **810.5 SUBPOENA DUCES TECUM**

A Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor 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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

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### *Release of Records and Information*

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#### **810.6 RELEASED RECORDS TO BE STAMPED**

Each page of any record released shall be stamped in blue ink with a departmental stamp identifying the individual to whom the record was released.

## **Criminal Offender Record Information (CORI)**

### **812.1 PURPOSE & SCOPE**

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

### **812.2 AUTHORITY**

This policy is established pursuant to the security mandate of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code § 11140 through § 11144, which establishes penalties for the improper use of rap sheets.

### **812.3 DEFINITIONS**

**Criminal Offender Record Information - (CORI)** shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any OPD documents containing a list of prior arrests.

**Criminal Justice Agency -** A public agency or component thereof which performs a criminal justice activity as its principal function.

**Authorized Recipient -** Any person or agency authorized by court order, statute or case law to receive CORI.

**Right to Know -** Persons or agencies authorized by court order, statute or decisional case law to receive the information.

**Need to Know -** A necessity exists to obtain CORI in order to execute official responsibilities.

### **812.4 AUTHORIZED RECIPIENTS OF CORI**

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if he/she has an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice authorized agency list are not authorized recipients and shall not receive CORI.

#### **812.4.1 CRIMINAL RECORD SECURITY OFFICER**

A records supervisor shall be the designated criminal record security officer for the Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The criminal record security officer will resolve specific questions that arise regarding authorized recipients of CORI.

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### *Criminal Offender Record Information (CORI)*

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#### **812.4.2 RELEASE OF CORI**

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal records security officer.
- (b) Records supervisor.
- (c) Employees of the Records Unit.
- (d) Personnel specifically designated in writing by the Administrative Services Bureau Chief with the concurrence of the criminal records security officer.

#### **812.4.3 RELEASE OF CORI TO FIELD PERSONNEL**

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computers to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

#### **812.5 JUVENILE RECORDS**

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Ventura County Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles and the local T.N.G. order issued by the Ventura County Juvenile Court.

#### **812.6 REVIEW OF CRIMINAL OFFENDER RECORD**

Penal Code § 11120 through § 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

#### **812.7 PROTECTION OF CORI**

Automated systems handling CORI shall be secure from unauthorized access. Automated systems shall be located in secure premises away from public view.

Direct access to CORI shall be restricted to personnel authorized to access it. Release of CORI shall be restricted to Records Division employees who shall keep a record of each release as required by the state.

#### **812.7.1 SECURITY OF CORI**

Computer equipment capable of providing access to automated criminal offender record information is located in the Records Unit and in the Investigative Services Bureau to preclude access by unauthorized persons.

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### *Criminal Offender Record Information (CORI)*

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No employee shall be authorized to access CORI until the employee has completed the appropriate certification.

#### **812.7.2 DESTRUCTION OF CORI**

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

#### **812.7.3 CUSTODIAN OF CRIMINAL RECORDS**

The Records and Property Division Manager, unless otherwise directed by the Administrative Services Bureau Chief, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Services Bureau Chief may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Services Bureau Chief will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

#### **812.8 TRAINING PROGRAM**

All personnel authorized to process or release CORI shall be required to complete a training certification prescribed by the criminal record security officer.

#### **812.9 PENALTIES FOR MISUSE OF RECORDS**

Penal Code § 11140 and § 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).



# Oxnard Police Department

## Policy Manual

### Computers and Digital Evidence

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#### 814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene.

#### 814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

#### 814.3 SEIZING DIGITAL STORAGE MEDIA

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

#### 814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device [REDACTED]

- [REDACTED]

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## Policy Manual

### Computers and Digital Evidence

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#### **814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

##### **814.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

##### **814.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property Unit as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to enter all information into the bar code system and place the bar code on the back of the completed photo card. Place the photo card and camera chip in a plain manila envelope and drop it into the small evidence slot at the lockers. There is no need to seal the envelope or write anything on the outside.
- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Officers requiring a copy of the digital files must request a copy directly with an evidence technician or at

##### **814.5.3 DOWNLOADING OF DIGITAL FILES**

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

##### **814.5.4 PRESERVATION OF DIGITAL EVIDENCE**

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

# Oxnard Police Department

## Policy Manual

### *Computers and Digital Evidence*

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- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Policy Manual

**Chapter 9 - Custody**

## Temporary Holding Facility

### 900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the booking, housing, security and release of prisoners at the Oxnard Police Department's Temporary Holding Facility.

In addition to this policy, the Oxnard Police Department shall maintain the Booking Manual to guide the operation of the Temporary Holding Facility.

The Department shall maintain the custody of prisoners in accordance with this policy, the Booking Manual, and in accordance with applicable law.

#### 900.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in the Temporary Holding Facility unless there is a designated employee who remains within the police building who can supervise the Temporary Holding Facility and respond to emergencies. This person will be designated by the Temporary Holding Facility supervisor and must not leave the police building while prisoners are in custody. This person will not have other duties that could conflict with the supervision of prisoners. Whenever one or more female inmates is in custody, there shall be at least one female employee, who shall be immediately available and accessible to such females (15 CCR § 1027).

Booking personnel who are responsible for supervising prisoners in the Temporary Holding Facility shall complete eight hours of specialized training (15 CCR § 1024). Such training shall include, but not be limited to, the following:

- (a) Applicable minimum jail standards.
- (b) Jail operations liability.
- (c) Inmate segregation.
- (d) Emergency procedures and planning.
- (e) Suicide prevention.

Such training shall be completed as soon as practical, but in any event not more than six months after the date of assigned responsibility. Eight hours of refresher training shall be completed once every two years (15 CCR § 1024). A record of such training shall be maintained in the employee's training file.

#### 900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

It is the policy of the Oxnard Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical.

#### 900.1.3 NON-DETAINABLE PRISONERS

Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, the designated medical facility or the county mental health facility, as appropriate:

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- (a) Any person who is sick, injured or who has any other medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement.
- (b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.
- (c) Any person suffering from a severe mental disorder.
- (d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility (15 CCR § 1053).
- (e) A prisoner who is or may be contemplating suicide.
- (f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of the above.
- (g) Any person suspected or confirmed to be developmentally disabled (15 CCR § 1057).
- (h) Any person or persons for whom appropriate classification (by gender, age) cannot be maintained.
- (i) Any person who is so intoxicated as to be a danger to him/herself or others and cannot be safely accommodated within the facility or a sobering cell (15 CCR § 1056). This shall also apply to those inmates who are undergoing withdrawal reactions (15 CCR § 1213).

#### **900.1.4 DETAINABLE PRISONERS**

Arrestees who fall within the following classifications may be detained in the Oxnard Police Department Temporary Holding Facility with the approval of the Watch Commander. This includes those arrested and detained pending:

- (a) Posting of bail.
- (b) Release on Own Recognizance (O.R.).
- (c) Release on citation in accordance with the Cite and Release Policy in this manual.
- (d) Transportation to the County Jail.
- (e) Release per Penal Code § 849(b).
- (f) In-custody interview or other investigation.

#### **900.1.5 INTOXICATED PERSONS**

Any person arrested for violation of Penal Code § 647(f), public intoxication; or Vehicle Code § 23152 or § 23153, driving while intoxicated, held in the Temporary Holding Facility over six hours must be evaluated by a supervisor.

#### **900.1.6 TRANSPORTATION OF PRISONERS**

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practical, officers should be alert to inappropriate physical or verbal contact between prisoners and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department, the transporting officer shall be responsible for the following:

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- (a) Verify that the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

#### **900.1.7 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE**

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists (Penal Code § 2656 (a) and (b)).

Whenever a prosthetic or orthopedic appliance is removed from a prisoner, the Watch Commander shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practical by a physician but no later than 24 hours of removal to determine if the removal will be injurious to the health or safety of the prisoner (Penal Code § 2656 (b)).

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns, the prisoner should be transferred to an appropriate medical detention facility or, in lieu of transfer, shall be provided with an opportunity to petition the Superior Court for the return of the appliance in accordance with Penal Code § 2656(b) and (c).

#### **900.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY**

The following responsibilities for the Temporary Holding Facility operations have been established (15 CCR § 1029):

- (a) **Facility Administrator** - The Chief of Police shall be the Facility Administrator officially charged, by law, with the administration of the Temporary Holding Facility.
- (b) **Facility Manager** - Has the responsibility for planning, managing, administrative functions, establishing channels of communication, and conducting inspections and operations reviews, review of the facility manual and the operations of the Temporary Holding Facility. The Facility Manager will be responsible to the Facility Administrator.
- (c) **Maintenance Manager** - Responsible for the physical maintenance, cleanliness and supply of the Temporary Holding Facility. The maintenance manager will be responsible to the Facility Manager.
- (d) **Facility Supervisor** - Employee with 24 hour a day functional responsibility for the Temporary Holding Facility will be the Watch Commander. Any other supervisor may provide assistance as needed. The Facility Supervisor shall be responsible to the Facility Manager.
- (e) **Custodial Personnel** - Custodial personnel shall be those on-duty sergeants, officers, detectives or other designated employees whose additional duties include

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the supervision of prisoners who are detained in the Temporary Holding Facility. Custodial Personnel will be responsible to the Facility Supervisor.

#### **900.2.1 STAFFING PLAN**

The Facility Administrator shall prepare and retain a staffing plan which will indicate assigned personnel and their duties. The plan shall be available for biennial review by the Corrections Standards Authority (CSA) staff. The review and recommendations of the CSA biennial review shall be forwarded to the Chief of Police, as required by 15 CCR § 1027.

#### **900.3 PRISONER SUPERVISION AND CLASSIFICATION**

##### **900.3.1 SUPERVISION OF PRISONERS**

All prisoners should be visually checked at least once every half-hour. This check will be conducted through direct visual observation without the aid of surveillance cameras.

##### **900.3.2 LOG ENTRIES AND SECURITY CHECKS**

- (a) All adult bookings should be logged into the Arrest Log located on the intranet. The following entries are to be completed by the booking officer and/or personnel responsible for maintaining prisoners in the facility (15 CCR § 1029):
1. Case number.
  2. Date/time of booking.
  3. Charges.
  4. Arrestee's name.
  5. Arresting officer's name.
  6. Date/time of each prisoner count/safety check and the name of the officer conducting the check (15 CCR § 1027).
  7. Date and time of release.
- (b) It is the responsibility of the Facility Supervisor to ensure that all appropriate entries are made on the Arrest Log.
- (c) Prisoner count/safety checks shall be made every 1/2 hour and noted on the Prisoner Count Log.
- (d) The Watch Commander should make periodic checks to ensure that the Prisoner Count Log and safety checks are made on time.
- (e) The Facility Manager should review all Temporary Holding Facility logs and shall report to the Facility Administrator as required.
- (f) All logs and reports should be maintained in the Records Division for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

##### **900.3.3 PRISONER CLASSIFICATION, SCREENING AND SEGREGATION**

It is the policy of the Oxnard Police Department Temporary Holding Facility to segregate prisoners in compliance with the requirements noted in Title 15 of the California Code of Regulations.

- (a) It is necessary to establish a prisoner classification procedure wherein each prisoner will be evaluated, prior to housing, according to categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive/non-assaultive behavior,

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medical problems, mental state (including developmental disabilities) and sexual orientation, and housed in order to provide for the safety of prisoners and staff (15 CCR § 1050).

- (b) As part of the booking procedure, the booking officer should evaluate each incoming prisoner using the Health Screening and Booking forms. These forms shall be completed by the arresting officer and reviewed by the Watch Commander for completeness in order to properly assign prisoners according to sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, restrictions, cell assignments and other criteria to ensure the safety of the prisoner and staff.
- (c) During the booking procedure, the booking officer shall ask the prisoner if he/she is contemplating suicide. The booking and arresting officer shall continually evaluate the prisoner for other signs or indications that the prisoner may be suicidal. If there is any suspicion that the prisoner may be suicidal, he/she shall be transported to the county jail or appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking sheet, 5150 form, etc.) that the suspect may be suicidal.
- (d) The prisoner will then be temporarily housed or transported to the appropriate facility.
- (e) Before placing any prisoner into a temporary holding cell with any other prisoner, employees shall consider whether the prisoner may be at a high risk of being sexually abused based on all available known information (28 CFR § 115.141).
- (f) Any prisoner identified as being at a high risk for sexual victimization shall be provided with heightened protection. This may include continuous, direct sight and sound supervision, single-cell housing or placement in a cell that is actively monitored on video by an employee who is available to immediately intervene, unless no such option is reasonably feasible (28 CFR § 115.113; 28 CFR § 115.141).

#### **900.3.4 TEMPORARY DETENTION OF JUVENILES**

Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles policy. Juveniles will not be detained in the Temporary Holding Facility.

#### **900.3.5 TEMPORARY DETENTION OF FEMALES**

Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner(s). Male employees are not to search or enter the cell of a female prisoner, unless another female employee is present. (Title 15, California Code of Regulations § 1027, Penal Code § 4021)

In the event there is not a female employee readily available to conduct searches and semi-hourly safety inspections, the female prisoner shall be transported to the county jail, or released pursuant to another lawful process (e.g., citation, O.R. release, etc.).

#### **900.3.6 HANDCUFFING OF PREGNANT ARRESTEES**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall persons known to be pregnant or in recovery following delivery be restrained by the use of leg restraints, waist chains, or handcuffs behind the body.

No arrestee who is in labor, delivery, or recovery after delivery shall be otherwise handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an

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individualized determination that such restraints are by the wrists, ankles, or both unless it is reasonably necessary for the safety of the arrestee, officers or others (Penal Code § 6030).

#### **900.4 TEMPORARY HOLDING FACILITY SEARCHES**

Immediately upon securing weapons, officers bringing prisoners into the Temporary Holding Facility shall thoroughly search his/her prisoner(s). All arrestees brought into the Temporary Holding Facility must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is substantially completed.

In the case of female prisoners, all strip searches will be conducted by a female officer or designated female employee whenever possible, and male employees shall remain outside the closed door, but available to assist immediately if needed. Should a female prisoner become combative, an officer may be assigned to restrain her until the appropriate search is completed.

Arrestee search procedures and policies are found in Policy Manual § 902.

##### **900.4.1 JAIL ALARM**

[REDACTED]

#### **900.5 FIRE SAFETY**

The person, designated by the facility supervisor as having responsibility for the Temporary Holding Facility should, at the beginning and end of each shift, inspect the Temporary Holding Facility to ensure:

- (a) No flammable materials are stored in the detention area.
- (b) Fire extinguishers are serviceable.
- (c) Cell keys are available in the Watch Commander's office and the Communications Center for emergency use.
- (d) First aid kits are readily available and completely stocked.
- (e) Smoke detectors are operational.

The Facility Supervisor or his/her designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years (Title 15, California Code of Regulations § 1032).

##### **900.5.1 FIRE PROCEDURES**

[REDACTED]



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#### **900.6.4 EVACUATION FORMATION AREA**

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

#### **900.6.5 CITYWIDE OR REGIONAL DISASTERS**

In cases of Citywide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

#### **900.6.6 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION**

As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

#### **900.6.7 REPORTS**

The Watch Commander will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Temporary Holding Facility Manager and Temporary Holding Facility Administrator.

#### **900.7 PRISONER TELEPHONE CALLS**

Every prisoner, whether adult or juvenile, detained in the Temporary Holding Facility shall be entitled to at least three completed telephone calls immediately upon being booked and no later than three hours after arrest. Either the arresting officer or the booking officer must ask the arrested person if he/she is a custodial parent with responsibility for a minor child as soon as practical but no later than three hours after the arrest, except where this may be physically impossible. If it is determined that the person is a custodial parent with responsibility for a minor child, the person shall be entitled to make two additional telephone calls for the purpose of arranging care for the minor child (Penal Code § 851.5).

There is no obligation for the officer to make a call on a prisoner's behalf, for example in the case of a person that is so intoxicated that he or she cannot make a call. An officer is not required to wake an intoxicated person three hours after booking so that they may complete a call.

There is also no limitation on the amount of time a prisoner's phone call must last. A prisoner should be given sufficient time on the phone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his/her judgment in determining the duration of the calls.

#### **900.7.1 TELEPHONE CALL PROCEDURES**

The Department will pay the cost of local calls. Long distance calls must be paid by the prisoners using calling cards or by calling collect.

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Calls between the prisoner and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

The provisions of Penal Code § 851.5 shall be posted in bold block type in a conspicuous place within the Temporary Holding Facility.

#### **900.7.2 ON-GOING TELEPHONE ACCESS**

Once a prisoner has completed telephone calls provided by Penal Code § 851.5 and it appears that the individual is not going to be released or transferred to another custodial facility, reasonable efforts should be made to provide the prisoner with access to a telephone, as practical. 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 prisoner's desire for further phone access.

#### **900.8 HANDLING OF PRISONER'S PROPERTY**

Officers shall take care in the handling of prisoner's property to avoid discrepancies or losses.

Any personal property belonging to the prisoner but retained by the officer, such as a driver's license, wallet, and other similar property, shall be placed in a property bag, and sealed. A list of the property shall be included on the booking form. Any property too large (bigger than a shoe box) to be kept in the Temporary Holding Facility shall be booked into property for safekeeping by the arresting officer.

Property belonging to the prisoner, but retained by the officer as evidence or safekeeping, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the Oxnard Police Department Criminal Evidence or Property Form (OPD 55). It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

No knives of any size will be placed into a prisoner's property for transportation to the Ventura County Pre-Trial Detention Facility. All knives are to be booked into Oxnard Police Department Property as safekeeping, evidence, or to-be-destroyed.

#### **900.8.1 VERIFICATION OF PRISONER'S MONEY**

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other "keepsake" money (i.e. \$2.00 bills) and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in a small plastic property bag. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope and on the booking form.

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#### **900.8.2 RELEASE OF PRISONER'S PROPERTY**

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner shall be documented on the booking sheet.

When a prisoner is released from custody, all property will be returned to him/her and he/she will be required to sign the back of the booking sheet.

If a prisoner is released to an officer of another agency, all property will be released to that officer who will be required to verify and sign for the property.

Any alleged shortage or discrepancy shall be brought to the attention of the Watch Commander who will interview the prisoner claiming the shortage prior to his/her release. The Watch Commander shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

#### **900.9 TEMPORARY HOLDING FACILITY PROCEDURES**

##### **900.9.1 SECURITY**



##### **900.9.2 RECEIPT OF PRISONERS**

The arresting and/or booking officer should:

- (a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible.
- (b) Inventory and record all property removed from the prisoner's person on a booking form.
- (c) Secure property for safekeeping.
- (d) Remove all hazardous items from the prisoner's person.
- (e) Remove shoes, belts and jackets. Search all items removed from prisoner. Remove shoe laces from shoes and place into prisoner's property bag. Return shoes back to prisoner.
- (f) Complete the following:

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1. All first-time arrestees are live-scanned using FBI fingerprint card, and one Live Scan print card.
  2. All arrestees released by bail or O.R. are live-scanned using FBI fingerprint card, and one Live Scan print card.
  3. All juvenile arrestees are live-scanned using FBI fingerprint card, and one Live Scan print card.
- (g) All prisoners arrested, both adult and juveniles, will be photographed. In the event of a malfunction, a digital camera can be used from the inventory in the Watch Commander's office. The prisoner will be given a card to hold below the facial/neck area that contains the prisoners name, date of birth, and case number.
- (h) Complete the Oxnard Police Department Booking and Health Screening forms.
- (i) During the booking procedure, the booking officer will log the prisoner into the Online Arrest Log.

#### **900.9.3 PRISONER FOOD SERVICE**

- (a) Prisoner food will be made on-site or purchased from local restaurants.
- (b) Meals will be provided for prisoners detained in excess of six hours.

#### **900.9.4 ATTORNEYS AND BAIL BONDSMEN**

- (a) An attorney may visit the prisoner at the prisoner's request or at the request of a relative of the prisoner (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.
- (c) Both the attorney and the prisoner should be searched for weapons prior and after being admitted to the Temporary Holding Facility interview room.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded.

#### **900.9.5 RELEASE OF PRISONERS**

- (a) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.
- (b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.
- (c) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/she may not be compelled to clean up nor may his/her release be delayed to accomplish this.
- (d) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:
  1. All proper reports and forms shall be completed prior to release.
  2. All bail monies are accounted for.
  3. Bail bonds are placed in the depository lock box located in the booking office. All cash bail is placed in the safe, of the Records Division, until it is processed and delivered to the City of Oxnard Treasurer's office.

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4. All property, not to include evidence, contraband, or dangerous weapons shall be returned to the prisoner.
5. The booking form will be completed showing the date, time, and reason for release, as well as the releasing officer's name.
6. The prisoner being released will be escorted from the Temporary Holding Facility and police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

#### **900.9.6 FACILITY SANITATION AND MAINTENANCE**

The Watch Commander should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the jail supervisor.

#### **900.9.7 DEATH OF A PRISONER**

In the event of a fatal injury or death of a prisoner while in custody of the Department, a report shall be sent to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and the same report shall be forwarded to the Board of State and Community Corrections within the same time frame (15 CCR § 1046). In all such cases, the Watch Commander shall be notified and will make the appropriate additional notifications as directed in the Booking Manual. A BCIA 173 form In Custody Death Report must be completed within ten (10) days and submitted by the Temporary Holding Facility Manager to the Attorney General.

An administrative investigation shall be conducted for every in-custody death.

#### **900.9.8 ACCESS TO FAITH AND MORALS BASED PROGRAMS**

Consistent with available resources, safety and security, the religious beliefs and needs of all prisoners should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals based programs, and other secular volunteer programs. No prisoner shall be required to participate in any such program.

## Custody Searches

### 902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures which conform to Penal Code § 4030 regarding pat-down, booking and strip searches of pre-arraignment detainees.

### 902.2 DEFINITIONS OF SEARCHES

**Pat-Down Search** - This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

**Booking Search** - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

**Strip Search or Visual Body Cavity Search** - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

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

### 902.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

### 902.4 BOOKING SEARCHES

- (a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:
  1. The person is not cited and released.

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2. The person is not released on his or her own recognizance.
  3. The person is not able to post bail within a reasonable time not less than three hours.
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

#### **902.5 STRIP SEARCHES**

No person held at a the Temporary Holding Facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.
- (b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).
- (d) The person's actions or demeanor.
- (e) Criminal history (level of experience in a custody setting).

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR § 115.115).

#### **902.5.1 STRIP SEARCH PROCEDURES**

Strip searches at the Temporary Holding Facility shall be conducted as follows (Penal Code § 4030; 28 CFR § 115.115):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR §115.115).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.
- (e) Employees conducting a strip search shall not touch the breasts, buttocks, or genitalia of the person being searched.

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- (f) The primary employee conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Watch Commander.
  - 4. The name of the person who was searched.
  - 5. The name and sex of the persons who conducted the search.
  - 6. The name, sex, and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, recovered during the search.
  - 10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.
- (g) A copy of the written authorization shall be retained and made available upon request to the prisoner or the prisoner 's authorized representative.
- (h) No employee should view a prisoner's private underclothing, buttocks, genitalia, or female breasts while the prisoner is performing bodily functions or changing clothes, unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner 's consent and/or otherwise protect the prisoner 's privacy and dignity.

### **902.6 PHYSICAL BODY CAVITY SEARCH**

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code § 4030(i)).
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

### **902.7 TRAINING**

Employees shall have training in, at a minimum (28 CFR § 115.115):

- (a) Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- (b) Conducting cross-gender searches.
- (c) Conducting searches of transgender and intersex prisoners.

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## **Medical Treatment and Transportation of Injured/III Arrestees**

### **903.1 PURPOSE AND SCOPE**

Consistent medical treatment and emergency transportation of persons in custody is necessary to ensure that arrestees are properly cared for, personnel are not unduly delayed in returning to duty, and allied agencies are not adversely impacted by department actions.

### **903.2 INJURIES OR ILLNESSES WHILE IN CUSTODY**

Any arrestee who becomes ill or injured while in custody at the Oxnard Jail will be given immediate first aid. The Watch Commander will be summoned and will determine if emergency medical services will be dispatched to the Oxnard Jail or if transportation to a medical facility will be made by police personnel. Unless otherwise directed by the Watch Commander, injured or ill arrestees are the responsibility of the arresting officer.

#### **903.2.1 FIELD TRANSPORTATION OF ARRESTEES BY OFFICERS**

Injured, ill, gravely disabled, suicidal, or combative arrestees that are not in need of immediate emergency medical care shall be transported directly from the field to the Ventura County Medical Center for treatment/medical clearance and shall thereafter be booked into the Ventura County Jail. Examples include but are not limited to, arrestees injured during altercations, traffic collisions or less-lethal device deployment.

#### **903.2.2 TRANSPORTATION OF ARRESTEES BY AMBULANCE**

Transportation by ambulance of persons in custody is sometimes a medical necessity. Officers are responsible for the safety of the arrestee and the ambulance crew. If a person under arrest must be transported by ambulance due to an immediate need for emergency medical care, the arresting officer will accompany the arrestee in the ambulance unless otherwise approved by a field supervisor or the Watch Commander. Handcuffing an arrestee to the ambulance gurney in lieu of an officer riding in the ambulance is not an acceptable alternative.

### **903.3 MEDICAL CLEARANCE OF ARRESTEES**

- (a) Arrestees requiring a medical clearance prior to booking into the Ventura County Jail must be transported to St. John's Regional Medical Center or Ventura County Medical Center for this purpose. Emergency medical services (fire or ambulance) personnel are not authorized to perform this service.
- (b) One copy each of the emergency room discharge instructions (usually one page) and the emergency room chart (one to three pages or more) will accompany all booking forms to the Ventura County Jail. A second copy of the discharge instructions will be filed with Oxnard Police booking records. The Police Department is prohibited from possessing any other medical records or emergency room chart information.
- (c) Arrestees generally have the right to refuse medical treatment. Such a refusal will be noted by emergency room personnel on the appropriate medical form. However, prisoners will not be booked into the Ventura County Jail when he/she refuses to sign the medical form without a medical clearance.

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## Policy Manual

### *Medical Treatment and Transportation of Injured/Ill Arrestees*

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#### **903.3.1 FINANCIAL RESPONSIBILITY FOR MEDICAL TREATMENT**

- (a) Generally, arrestees are responsible for all medical bills incurred during their arrest.
- (b) All pre-booking medical bills will be forwarded to the Special Projects Commander for review to determine financial responsibility for the suspect's treatment.
- (c) Officers shall not request the release of an inmate from custody for the purpose of allowing the inmate to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action would enable it to bill and collect from a third-party payment source.

#### **903.4 NON-AMBULATORY ARRESTEES**

- (a) All persons who require devices such as wheelchairs, gurneys, or who rely upon crutches or prosthetics for mobility are not to be transported to the Oxnard Jail and will be booked directly into Ventura County Jail.
- (b) Arrestees with altered levels of consciousness, including intoxicated persons unable to stand on their own, must be medically cleared prior to being booked directly into the Ventura County Jail.

#### **903.5 MEDICAL SCREENING FORM**

Upon arrival at the Oxnard Jail, the arresting officer will accurately complete a medical screening form on every person arrested. The arresting officer will submit the completed medical screening form to the on-duty booking officer as soon as practical. The on-duty Watch Commander and booking officer must be immediately notified of any arrestee injury, complaint of pain, or suicidal condition. The completed booking sheet and medical screening form require the review and approval by the Watch Commander.

#### **903.6 ARRESTEE ACCEPTANCE BY VENTURA COUNTY SHERIFF**

- (a) Effective October 15, 2000, the new booking policy of violent arrestees is enforced by the Federal Court.
- (b) The Ventura County Sheriff's policy states that whenever a violent inmate who has physically demonstrated a present intent to cause physical harm to self or others is delivered to the Ventura County Sheriff's Department for booking, the arresting agency will be required to obtain a medical clearance from the Ventura County Medical Center. In all cases, both medical personnel and the jail watch commander must agree that an inmate is acceptable to book.

#### **903.7 RESTRAINED ARRESTEES**

If an arrestee is transported to the Ventura County Jail in any supplemental protective equipment or restraint device other than handcuffs (which includes but is not limited to leg restraints, waist or belly chains, helmet or the BodyGuard Restraining System), a medical clearance is required via Ventura County Medical Center. Removing said restraining devices while en route to or prior to entering the County Jail does not preclude this medical clearance requirement.

#### **903.8 CITE/RELEASE OF INJURED/ILL ARRESTEES**

If medical treatment of an arrestee is prolonged or if the arrestee is to be admitted to the hospital for treatment, with the permission of the Watch Commander, the arresting officer may prepare a Notice to Appear for the offenses alleged. If the arrestee is incapable of signing the Notice to Appear, the officer will write "Unable to Sign" on the signature line and

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will leave a copy of the Notice to Appear with the arrestee's belongings at the hospital. The Charge Nurse must be contacted prior to leaving the hospital.

#### **903.9 IN-HOSPITAL TRANSFER OF CUSTODY**

On occasion, arrestees under arrest for serious felony crimes cannot be released on a Notice to Appear or released pursuant to Penal Code § 849. If an arrestee is to be admitted to the hospital, the Watch Commander will notify the Ventura County Jail Watch Commander and will arrange for an orderly transfer of custody to the Sheriff. In some instances, Oxnard Police Department personnel may have to maintain the watch.

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**Chapter 10 - Personnel**

## **Recruitment and Selection**

### **1000.1 PURPOSE AND SCOPE**

The employment policy of the Oxnard shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Oxnard Department of Human Resources.

### **1000.2 APPLICANT QUALIFICATIONS**

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

#### **1000.2.1 VETERAN'S PREFERENCE**

Qualifying veterans of the armed forces of the United States shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

### **1000.3 STANDARDS**

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Oxnard Department of Human Resources maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Oxnard or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

#### **1000.3.1 OPERATION OF A MOTOR VEHICLE**

- (a) The ability to possess a valid California driver's license.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following shall be disqualifying:
  1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a

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pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

#### **1000.3.2 INTEGRITY**

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.
- (e) The following shall be disqualifying:
  1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

#### **1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW**

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
  1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application.
  2. Conviction for two or more misdemeanor offenses under California law as an adult.
  3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers).
  4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).
  5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
  6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.
  7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent

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exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.

8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

#### **1000.3.4 DEPENDABILITY**

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.
- (f) The following shall be disqualifying:
  1. Missing any scheduled appointment during the process without prior permission (may be grounds for disqualification).
  2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.
  3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
  4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (may be grounds for disqualification).
  5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
  6. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged.
  7. Having any outstanding warrant of arrest at time of application.

#### **1000.3.5 LEARNING ABILITY**

- (a) The ability to comprehend and retain information.
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.
- (e) The following may be disqualifying:
  1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
  2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement.

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#### **1000.3.6 PERSONAL SENSITIVITY**

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Effectiveness in dealing with people without arousing antagonism.
- (e) The ability to understand the motives of people and how they will react and interact
- (f) The following shall be disqualifying:
  - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination (may be grounds for disqualification).
  - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
  - 3. Having been disciplined by any employer as an adult for fighting in the workplace.

#### **1000.3.7 JUDGMENT UNDER PRESSURE**

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
  - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.
  - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

#### **1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS**

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
  - 1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment.
  - 2. Any adult use or possession of marijuana within one year prior to application for employment.
  - 3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment.
  - 4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity or as a military police officer. These activities as a student enrolled in college-accredited courses related to the criminal justice field may be grounds for disqualification.
  - 5. Any adult manufacture, cultivation, or sales of a drug or illegal substance (other than marijuana).
  - 6. Failure to divulge to the Department any information about personal illegal use or possession of drugs.

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7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
1. Any illegal use or possession of a drug as a juvenile.
  2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.).
  3. Any illegal or unauthorized use of prescription medications.
  4. Any adults sales of marijuana.

## Evaluation of Employees

### **1001.1 PURPOSE AND SCOPE**

The objective of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, remediation, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review, and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

### **1001.2 POLICY**

Employee performance evaluations will be written based on job-related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. An employee's immediate supervisor should consult with other supervisors that are directly familiar with that employee's performance.

All sworn and civilian supervisors shall be sent to a POST-approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When an employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

### **1001.3 EVALUATION FREQUENCY**

Employees are evaluated based on the following time lines:

Sworn Employees - Evaluated every 12 months, except officers assigned to patrol who are evaluated every 6 months.

Civilian Employees - Evaluated every 12 months, except CSOs and TSAs assigned to patrol who are evaluated every 6 months.

If an employee is transferred from one assignment to another during a rating period, the supervisor who oversees the employee the majority of the rating period shall ensure that an evaluation is completed for the employee at the end of the rating period. The evaluation may be completed by either supervisor individually or as co-raters.

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#### **1001.3.1 RESERVE OFFICER EVALUATIONS**

Reserve officer evaluations are covered under Policy Manual § 350.

#### **1001.4 PROBATIONARY EMPLOYEES**

Generally, civilian employees are on probation for twelve months from his/her hire date before being eligible for certification as permanent employees. An evaluation is completed monthly for all civilian employees during the probationary period.

Sworn personnel are on probation for twelve months from their date of appointment to Police Officer I before being eligible for certification as permanent employees.

An officer who is in field training is evaluated daily by his/her Field Training Officer.

Probationary officers who have successfully completed field training are continuously assessed in all performance areas by his/her supervisor until the successful completion of the probationary period.

#### **1001.5 RATING CRITERIA**

A rater who is required to evaluate his/her personnel will utilize the appropriate Employee Performance Evaluation template. The definition of each rating category is articulated in the respective evaluation templates.

#### **1001.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. If the employee has valid and reasonable protests of any of the ratings, they should be changed accordingly.

Permanent employees may also write comments in the EMPLOYEE COMMENTS section of the performance evaluation report.

#### **1001.7 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (division commander). The division commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The division commander shall evaluate the supervisor on the quality of ratings given.

#### **1001.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Personnel.

## **Grievance Procedure**

### **1002.1 PURPOSE AND SCOPE**

To identify the grievance process for department employees not covered under collective bargaining agreements.

#### **1002.1.1 GRIEVANCE DEFINED**

A grievance may concern any issues an employee has regarding the employee's terms and conditions of employment.

### **1002.2 PROCEDURE**

If an employee believes a grievance exists as defined above, that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor.
- (b) If after a reasonable amount of time, generally seven(7) working days, the grievance cannot be settled by the immediate supervisor, the employee can escalate the matter in writing to his/her commander/manager. The employee shall receive a copy of the acknowledgment signed by the commander/manager, including the date and time of receipt. Any response to the grievance will be in writing, and will affirm or deny the allegations. The response shall include remedies if appropriate.
- (c) If a successful resolution is not found with the commander/manager of the affected employee, the employee may escalate the matter in writing to the Chief. The employee shall receive a copy of the acknowledgment signed by the Chief, including the date and time of receipt. Any response to the grievance will be in writing, and will affirm or deny the allegations. The response shall include remedies if appropriate.

### **1002.3 EMPLOYEE REPRESENTATION**

Employees may have a representative of choice during the grievance process.

### **1002.4 GRIEVANCE RECORDS**

All grievance records are filed with the employee's official personnel file in Human Resources.

## Lateral Assignments

### 1003.1 PURPOSE AND SCOPE

To establish a procedure for the lateral assignment of Police Officer II's, Police Officer III's, and Sergeants that will broaden the experience of all officers and enhance the performance of the entire department.

#### 1003.1.1 APPLICATION TO BUREAU/ASSIGNMENT

Personnel applying for lateral assignments within the Investigative Services Bureau (i.e., detective assignments) are applying primarily to the bureau, and secondly to a specific position. An officer's lateral assignment term in Investigative Services is calculated by the amount of time within the bureau rather than a particular investigative position.

Personnel applying for lateral assignments within the Field Services Bureau or the Administrative Services Bureau apply directly to the particular lateral assignment. Their assignment length is calculated by the amount of time in this position.

While completing an entire term is not required, fulfilling one's commitment to the original assignment may be a determining factor in future lateral assignment selection processes. In the event that a Police Officer II successfully applies for a lateral assignment while currently serving a term in another lateral assignment, the following guidelines shall apply:

- (a) If a Police Officer II currently in the first term of a lateral assignment accepts an appointment to another lateral assignment, he/she shall be allowed to complete two (2) terms in the new assignment, regardless of movement between bureaus.
- (b) If a Police Officer II currently in the second term of a lateral assignment accepts an appointment to another lateral assignment, he/she shall be allowed to complete one (1) term in the new assignment, regardless of movement between bureaus.

#### 1003.1.2 INTRA-BUREAU TRANSFERS

The Investigative Services Bureau Chief may transfer personnel in an Investigative Services Bureau lateral assignment to another assignment within the same bureau. Such transfers may be made to address operational need, officer suitability to the assignment, or performance.

Such transfers do not extend the amount of time that the person will be assigned, since the term is calculated based upon the individual's entry date into the bureau.

Example: A PO II detective applies to the Investigative Services Bureau and is selected as a robbery investigator beginning in January of 2008. In January of 2010 this detective receives an intra-bureau transfer to an assignment in the burglary investigation detail. This PO II detective's three-year term still expires in January 2011 and not in 2013.

### 1003.2 SELECTION PROCESS FOR POLICE OFFICER II

The selection process for all lateral transfer positions will comply with the following procedures:

- (a) A notice will be posted and distributed that describes the position and any selection criteria that will be used, such as a demonstration of a skill or completion of a written

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exercise. The notice shall be clearly posted for a minimum of ten (10) days, and shall also be sent to personnel on the Department's email system.

- (b) All Police Officer II lateral assignments shall require a minimum of two (2) years of sworn peace officer experience with at least one (1) year with the Oxnard Police Department.
- (c) Interested Police Officer II's shall submit a resume along with a memo expressing their intent to apply for the position.
- (d) All lateral assignment candidates must have the written recommendation of their current supervisor to be considered. If a supervisor declines to recommend a candidate, the supervisor shall prepare a written explanation of the performance based reasons for declining and offer suggestions for improvement.
- (e) The candidates may be interviewed by the Division Commander or an oral panel. The same questions will be asked of the all candidates. Specific inquiries into individual areas of concern may also be made.
- (f) The Division Commander will thoroughly evaluate the eligible candidate's work history, training, experience, and potential future performance before recommending a selection to the Bureau Chief, who will select the most qualified candidate. At the conclusion of the process, the Bureau Chief will establish a final ranking of the candidates.
- (g) Eligible candidates may request information on their performance at the conclusion of the selection process and the basis for the final selection. The Division Commander or oral board chairperson will provide this information as soon as possible.
- (h) Upon the completion of the selection process, a six month eligibility list of the top five candidates will be established for SEU/SWAT positions only. This list will be maintained by the Office of Professional Standards and will be used in the event that additional openings occur for the same position. The top five (5) candidates remaining on the list will be considered for any future openings within that assignment for the six month period of the list.
- (i) All other lateral assignments will not have eligibility lists so each and every open position will require a new selection process.

### **1003.3 LENGTH OF ASSIGNMENTS FOR POLICE OFFICER II**

All Police Officer II lateral assignments will be for a term of three (3) years. One-year extensions based on performance may be made for up to two (2) years, for a maximum of five (5) years total. To qualify for performance extensions, a Police Officer II must have an overall rating of "exceeds standards" for the last evaluation in the third year. This performance level must be maintained and documented in an evaluation during the fourth year to qualify for the final one-year extension.

The following assignments are exceptions to the above listed guideline and have the listed lengths of assignments:

- SWAT/SEU 48 months
- K-9 Unit 48 months

In PO II SWAT/SEU and K9 assignments, two one-year extensions, for a maximum of six (6) total years may be granted. In order to qualify for an extension, the officer must have an overall rating of "exceeds standards" for the last evaluation in the fourth year. Extensions for these positions should take into consideration the officer's performance, as well as staffing and program considerations.

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Police Officer II's may reapply for their position, not to exceed two (2) terms. An exception to this rule would be in the event that no other qualified Police Officer II applies for the opening. While completing an entire term is not required, fulfilling one's commitment to the original assignment may be a determining factor in future lateral assignment selection processes.

Upon the completion of a second term and (if applicable) term extensions, Police Officer II's must return to Patrol service for one (1) year before reapplying for the same position. An exception to this rule would be in the event that no other qualified Police Officer II applies for the opening.

#### **1003.4 SELECTION PROCESS FOR POLICE OFFICER III**

The selection process for lateral assignments will comply with the following procedures:

- (a) A notice will be posted and distributed that describes the position and any selection criteria that will be used, such as a demonstration of a skill or completion of a written exercise. The notice shall be clearly posted for a minimum of ten (10) days, and shall also be sent to personnel on the Department's email system.
- (b) Interested Police Officer III's shall submit a resume along with a memo expressing their intent to apply for the position.
- (c) All lateral assignment candidates must have the written recommendation of their current supervisor to be considered. If a supervisor declines to recommend a candidate, the supervisor shall prepare a written explanation of the performance based reasons for declining and offer suggestions for improvement.
- (d) The candidates may be interviewed by the Division Commander or an oral panel. The same questions will be asked of the all candidates. Specific inquiries into individual areas of concern may also be made.
- (e) The Division Commander will thoroughly evaluate the eligible candidate's work history, training, experience, and potential future performance before recommending a selection to the Bureau Chief, who will select the most qualified candidate. At the conclusion of the process, the Bureau Chief will establish a final ranking of the candidates.
- (f) Eligible candidates may request information on their performance at the conclusion of the selection process and the basis for the final selection. The Division Commander or oral board chairperson will provide this information as soon as possible.

#### **1003.4.1 LENGTH OF ASSIGNMENTS FOR POLICE OFFICER III**

All Police Officer III lateral assignments will be for a term of five (5) years. One-year extensions based on performance may be made for up to two (2) years, for a maximum of seven (7) years total.

To qualify for performance extensions, a Police Officer III must have an overall rating of "exceed standards" for the last evaluation in the fifth year. This performance level must be maintained and documented in an evaluation during the sixth year to qualify for the final one-year extension.

There shall be no limitations on the number of terms a Police Officer III may serve in a particular lateral assignment.

#### **1003.5 SELECTION PROCESS FOR POLICE SERGEANT**

The selection process for lateral assignments will comply with the following procedures:

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- (a) When an opening occurs, the Division commander will announce the vacancy, specify the responsibilities and requirements, and request a memorandum of interest from those sergeants who wish to be considered for the assignment. The notice shall be clearly posted for a minimum of ten (10) days, and shall also be sent to personnel on the Department's email system.
- (b) Interested Police Sergeants shall submit a resume along with a memo expressing their intent to apply for the position.
- (c) The specifics of the assignment will be discussed further during the subsequent interview.
- (d) The selection will be based on the following criteria:
  - 1. Best interest / needs of the program
  - 2. Interest of the employee
  - 3. Experience (including recency)
  - 4. Training
  - 5. Demonstrated past performance (e.g., evaluations, discipline, attendance)
- (e) These qualifications will be determined through the review of the resumes submitted and an oral interview conducted by his/her supervisors.
- (f) If all things are equal, then seniority will be given consideration in the selection process.

In the event that none of the applicants are deemed acceptable or no one applies for the position, the Chief of Police may appoint a sergeant of his/her choosing.

#### **1003.5.1 LENGTH OF ASSIGNMENTS FOR POLICE SERGEANT**

All Police Sergeant lateral assignments shall be for three (3) years. Extensions based on performance may be granted for up to two (2) one-year periods, for a maximum of five (5) years total. Sergeants are limited to ten consecutive years in a particular lateral assignment; exception may be granted upon receipt of an extension from the Chief of Police, who may extend a term for up to an additional eighteen (18) months (see 1003.7, below). To qualify for a performance-based term extension, a Police Sergeant must have an overall rating of "exceeds standards" for the last evaluation period.

A Police Sergeant in a lateral assignment may serve one additional term and applicable term extensions upon completion of the first term.

The Internal Affairs Sergeant within the Office of Professional Standards will be assigned by the Chief of Police and will serve at his/her pleasure. Therefore, this position will not be subject to the selection procedures and lengths of assignment set forth within this policy.

#### **1003.6 ORIENTATION**

To minimize the possibility of ongoing investigations or projects being jeopardized by rotation, whenever possible, a two-week orientation period for the sergeants affected by this rotation may be established.

The duration of the orientation will be at the discretion of the Division Commanders affected based on need and manpower available.

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### *Lateral Assignments*

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#### **1003.7 EXCLUSIONS**

Due to the need for rapid implementation of grant programs and the uncertainty of on-going funding for certain positions, temporary (less than one year), specially funded or grant positions will not be subject to the provisions specified in this policy.

The Chief of Police shall reserve the right to extend any person in a lateral assignment for a term of up to eighteen (18) additional months in the event of unusual circumstances which may create a hardship for the organization.

The procedures for the selection of all lateral assignments set forth within this policy shall supersede any language covering individual assignments found within those specific unit policies.

#### **1003.8 SELECTION PROCESS FOR COLLATERAL ASSIGNMENTS**

- (a) A notice will be distributed via department e-mail ("Sworn-All" distribution list) that describes the position and any selection criteria that will be used, such as a demonstration of a skill or completion of a written exercise.
- (b) Interested officers shall submit a memo expressing interest and may be asked to provide a resume.
- (c) All collateral assignment candidates must have the written recommendation of their current supervisor to be considered. If a supervisor declines to recommend a candidate, the supervisor shall prepare a written explanation of the performance-based reasons for declining and offer suggestions for improvement.
- (d) The candidates may be interviewed by the assigned Commander or an oral panel. The same general questions will be asked of the all candidates. Specific inquiries into individual areas of concern may also be made. The candidates may also be asked to complete a written exercise or perform a skill-based demonstration of their competency as it pertains to the specific assignment. Additional phases such as a peer review, safety exam, or other task-related exercise may be required pursuant to the unit manual or department policy governing the specific unit.
- (e) After receiving the oral panel's recommendations, the assigned Commander will thoroughly evaluate the eligible candidate's work history, training, experience, and potential future performance before recommending a selection to the Bureau Chief who will select the most qualified candidate.
- (f) Eligible candidates may request information on their performance at the conclusion of the selection process and the basis for the final selection. The Division Commander or oral board chairperson will provide this information as soon as possible.
- (g) No collateral assignments will maintain eligibility lists so each and every open position will require a new selection process.
- (h) All of the below-listed collateral assignments will be for a term of three (3) years. One-year extensions based on performance within the specific unit may be made for up to two (2) years, for a maximum of five (5) years total. Officers may reapply for their position not to exceed two (2) terms. An exception to this rule would be in the event that no other qualified officers apply for the opening. This selection process shall apply to the following collateral assignments:
  1. DETAC Staff
  2. Range Staff
  3. Dive Team
  4. Honor Guard

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### *Lateral Assignments*

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5. H.N.T.
6. Reserve Coordinator
7. Explorer Advisor
8. Mounted Patrol

## Seniority

### **1004.1 PURPOSE AND SCOPE**

To establish guidelines for determining seniority for employee classifications within the Department.

### **1004.2 SWORN PERSONNEL**

- (a) Public Safety Trainee, (entry level/no previous experience).
  - 1. There is no seniority with the Public Safety Trainee position due to the fact that the position is a temporary rank for training and evaluation purposes. The Public Safety Trainee employee is either promoted out of the position upon successful completion of the police academy or is terminated for failing to meet the conditions of probation.
- (b) Police Officer I
  - 1. When a Public Safety Trainee successfully completes a police academy, he/she is then promoted to Police Officer I, and as of this date establishes seniority within the department.
  - 2. If two or more Public Safety Trainees are promoted to Police Officer I on the same date, then seniority is determined by the original hiring date, with the earlier date receiving the greater seniority.
  - 3. If two or more Police Officer I's were hired on the same date, seniority would be determined by the rank of selection from the hiring eligibility list. In other words, the order that the officers were selected for employment.
- (c) Police Officer II
  - 1. Seniority for Police Officer II is determined at the time of appointment to Police Officer I.
- (d) Police Officer III
  - 1. All Police Officer III's are senior to the ranks below.
  - 2. Police Officer III's obtain seniority on the date of promotion to the rank.
  - 3. If two or more Police Officer III's are promoted on the same date, seniority is determined in the order of selection from the promotional list. This is regardless of date of hire with the department.
- (e) Sergeants, Commanders and Chiefs
  - 1. Seniority is determined in these positions in the same manner as the Police Officer III.
- (f) Lateral Entry
  - 1. Officers entering the Department as a lateral police officer will have seniority established by his/her date of hire.
- (g) Change of Assignment
  - 1. Seniority is not lost nor does it change in any way due to a change of assignment.

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## Policy Manual

### Seniority

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#### **1004.2.1 CIVILIAN PERSONNEL**

Seniority for civilian employees in the Department is established within the respective job classifications by the employment date of the employee.

- (a) When a civilian employee is promoted to a higher level, seniority is established as of the date of promotion.
- (b) When a position is reclassified and results in a promotion for the employee in that position, then seniority for that employee is established as of the date the reclassification takes effect.

#### **1004.3 SENIORITY GENERALLY**

- (a) When any employee moves from one job classification to the next, seniority is established at the new classification as of the date of appointment.
- (b) Any temporary full-time employee filling a permanent position, who becomes a permanent employee in that position, establishes his/her seniority as of his/her date of hire as a temporary employee.
- (c) When an employee terminates his/her employment and then returns, seniority is lost and is reestablished as of his/her date of reappointment (City of Oxnard Personnel Rules and Regulations § VII, Article 6(B)).
- (d) In the event of voluntary or involuntary demotion, seniority will be based on the original seniority date at that level.

#### **1004.4 LEAVE OF ABSENCE WITHOUT PAY**

Employees on leave of absence for more than thirty-one (31) consecutive days, excepting military leave or leave benefiting the City with the approval of the City Manager, during the twelve-month period preceding his/her anniversary date, shall not be entitled to any salary increases within his/her range until he/she has worked a number of days equivalent to the period of absence. The employee will also lose his/her seniority during the same period of time.

#### **1004.5 POLICE OFFICER I/II SCHEDULING**

The Patrol Division is scheduled on a "3-12 plan" wherein officers work twelve 12.5 hour days and one 10 hour payback day in a 28 day period. The patrol shifts are named and currently scheduled as follows:

- (a) Dayshift is referred to as the "B" shift from 0600 till 1830 hours.
- (b) Evening shift is referred to as the "C" shift from 1300 hours till 0130 hours, Sunday through Thursday, and 1400 hours till 0230 hours, Friday and Saturday.
- (c) Morning Shift is referred to as the "A" shift from 1800 hours till 0630 hours.
- (d) The calendar year is divided into two patrol deployment periods:
  - 1. January to June (Cycle 1 to Cycle 6).
  - 2. July to December (Cycle 7 to Cycle 13).

Shift scheduling will require officers to choose a shift, days off, and beat based on seniority and availability.

- (a) Payback days will be scheduled adjacent to work days but may later be adjusted to accommodate training or mandatory deployments (i.e. July 4th and December 31st).

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During the month of May and November, the shift selection supervisor will notify sworn officers via electronic mail of the upcoming shift selection. This notification will include:

- (a) Seniority ranking of the officers.
- (b) The procedure for shift selection.
- (c) The procedures for processing leave requests taken during shift selection.
- (d) Approximate date scheduling will begin and any deadlines.

Officers who are unable to be contacted during shift selection may be assigned to a shift, taking into consideration the officer's previous shift preferences. Officers may not remain on a shift longer than two consecutive deployment periods.

- (a) If an officer is on a shift longer than five months, they will be deemed to have been on the shift for the entire period.
- (b) The Field Services Bureau Chief may grant an exception.

Should an unforeseen change occur after shift selection has begun, (i.e. an officer leaves the department or takes a special assignment), those officers who have already chosen a shift will not be afforded the opportunity to select the shift which becomes available. The next officer who wants the shift who has not selected a shift will fill the shift that becomes available.

Shift exchanges must be submitted to the Field Services Bureau Chief via the affected patrol commander.

Transfers:

- (a) In the event that a lateral transfer occurs after shift selections have been completed, the officer returning to the Patrol Division will assume the shift, beat and days off of the officer who is transferred out of the patrol division.
- (b) If an officer is transferred back to the Patrol Division, and the officer is not replaced, the patrol commanders will assign the officer a work schedule.

If an officer is expected to be off for an extended period of time at the beginning of a new shift (6 weeks or more), the officer will not be included in shift selection for that rotation period. On return to full duty, the officer will be assigned to a shift (shift/workdays) based upon staffing needs, while also keeping in mind the officer's seniority and preferences.

Officers expected to be off for less than 6 weeks from the beginning of the shift will be allowed to select a shift. The shift selection supervisor will require documentation from the appropriate person or authority outlining the return-to-work date.

If the extended-leave officer (who was expected to return within 6 weeks from the beginning of the shift) selects a shift, but does not return within 6-weeks, a relief slot officer may be permanently assigned to that slot. The purpose is to maintain the continuity of the beat team's Community Oriented Policing and Problem Solving activities. On eventual return, the extended leave officer will be accommodated as mentioned above.

For purposes of this policy "Extended Leave" will include, but not be limited to IOD, sick leave, leave of absence, CFRA, PDL, or FMLA.

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### *Seniority*

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#### **1004.6 POLICE OFFICER III SCHEDULING**

- (a) Police Officer III's will be on a flex schedule to allow the officer to attend to the needs of his/her assigned beat.
- (b) The schedule for Police Officer III's when not handling projects in his/her beat will be day shift.

#### **1004.7 SERGEANT PATROL SCHEDULING**

Sergeant scheduling will be by seniority and follow the same guidelines as listed for Patrol Officers. Selection will be made concurrent to the scheduling of patrol officers.

## **Performance Improvement Plans and Administrative Review**

### **1005.1 PURPOSE AND SCOPE**

All employees are expected to perform in a competent manner in accordance with the values and mission of the Oxnard Police Department, as well as the policies and procedures of the City of Oxnard and the Police Department. In furtherance of this policy, the Department established this procedure whereby certain substandard and/or unacceptable performance can be identified and an appropriate program of corrective action can be established.

### **1005.2 PROCEDURE**

The objective of this policy is to correct the substandard/unacceptable performance, and restore the employee to a level of acceptable and competent productivity. In order to accomplish this objective, this policy has been developed upon the following key criteria:

- (a) Identification of the substandard/unacceptable performance/behavior.
- (b) Communication of the deficiencies to the employee.
- (c) Formal documentation of the deficiency and the expected change(s).
- (d) Development of a document which specifies an action plan.

### **1005.3 INITIAL SUPERVISORY CORRECTIONS**

When minor policy infractions and/or performance deficiencies are noted for the first time, verbal counseling is the preferred method for corrective action.

When repeated policy infractions and/or performance deficiencies are noted, formal counseling sessions should be initiated. Such counseling sessions should be documented on a Performance Report.

- (a) The counseling session should address each policy infraction and/or performance deficiency which has been identified and the expected corrective action by the employee for each one.
- (b) The documentation of the counseling session should list each policy infraction and/or performance deficiency along with the expected corrective action.

Should formal counseling fail to correct the performance deficiency and/or ensure compliance with policy, a Performance Improvement Plan (PIP) shall be implemented and the behavior may be referred to the Professional Standards Division.

### **1005.4 PERFORMANCE IMPROVEMENT PLAN**

PIP's 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 plan. Supervisors may choose to include the details of a PIP in an employee's performance evaluation.

However, occasions may arise in which an employee does not satisfactorily complete the objectives set forth in the PIP. If an employee fails to successfully complete any part of the PIP, documentation of sub-standard performance and failure to improve will be forwarded to the Professional Standards Division and may result in:

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### *Performance Improvement Plans and Administrative Review*

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- (a) Removal from lateral / collateral assignments
- (b) Suspension
- (c) Demotion
- (d) Termination of employment

Failure to successfully complete the PIP will result in the inclusion of the plan documentation in the employee's personnel file.

#### **1005.4.1 PERFORMANCE IMPROVEMENT PLAN DEVELOPMENT**

In the PIP process, the supervisor shall:

- (a) Prepare a draft PIP
- (b) Forward the draft PIP to their supervisor for approval.
- (c) The draft PIP will then be forwarded to the Bureau Chief or designee for approval.

Upon approval, the supervisor shall:

- (a) Discuss the draft PIP with the employee, and
- (b) Prepare and implement the final version of the PIP.
- (c) Complete the final progress report and forward the completed file to the Professional Standards Commander for review and approval.

Should disciplinary action be necessary, such action will be implemented in accordance with department policy (See Policy §340).

#### **1005.4.2 PERFORMANCE IMPROVEMENT PLAN DOCUMENT FORMAT**

- (a) Standard memo headings shall be used:
  - 1. Date
  - 2. To: (Name of the subject employee)
  - 3. From: (Name of the employee's supervisor)
  - 4. Subject: Performance Improvement Plan
- (b) NOTED PERFORMANCE DEFICIENCIES (SECTION HEADER)
  - 1. List each performance standard in which the employee is deficient.
    - (a) EXAMPLE: "An employee shall be punctual in reporting for duty at the time and place specified by his/her supervisor."
  - 2. List specific examples in which the employee failed to meet the standard.
    - (a) EXAMPLE: "On 2/4/10 and 2/8/10, employee was 15 minutes late for patrol briefing and had no acceptable reason for the tardiness."
  - 3. Repeat this process for each performance standard.
- (c) PERFORMANCE IMPROVEMENT PLAN (SECTION HEADER)
  - 1. This section is a summary of the positive behavior that is expected of the employee to meet the standards of an acceptable employee.

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2. This section will specifically prescribe what actions the employee will undertake in accordance with the PIP (e.g. car logs, record all contacts, document use of time, etc.)
- (d) SUPERVISORY ASSISTANCE (SECTION HEADER)
  1. The supervisor will set a review schedule where the supervisor will review the progress of the employee. Such reviews will be done either weekly or bi-weekly.
  2. The supervisor may direct the employee to obtain training and/or counseling when appropriate.
- (e) DURATION OF PERFORMANCE IMPROVEMENT PLAN (SECTION HEADER)
  1. The supervisor will set the duration of the PIP. Generally, a PIP will last 60-90 days but this time period can be modified for each individual PIP.
    - (a) Should the employee progress at an accelerated rate, the PIP may be shortened from the specified time at the discretion of the Supervisor or Manager.
- (f) FAILURE TO SATISFACTORILY COMPLETE PIP (SECTION HEADER)
  1. The supervisor shall inform the employee of the consequences that may result in the event the employee fails to satisfactorily complete the PIP.
- (g) SERVED BY \_\_\_\_\_ DATE \_\_\_\_\_ EMPLOYEE  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

#### **1005.4.3 EMPLOYEE REVIEW**

The supervisor shall meet with the employee and address each performance deficiency identified in the PIP along with the expected corrective behavior.

- (a) The supervisor should emphasize the objectives of the PIP process as outlined in §1005.2.
- (b) The supervisor should advise the employee of the intent of the supervisor to assist the employee to improve.
- (c) The supervisor shall advise the employee of the review process and the schedule for the review sessions.
- (d) The supervisor shall inform the employee of any outside training and/or counseling that is required as part of the PIP.
- (e) The supervisor shall inform the employee of the consequences that may result in the event the employee fails to satisfactorily complete the PIP.

During the duration of the PIP:

- (a) The supervisor will meet in formal counseling sessions with the employee as specified in the PIP pursuant to §1005.42 (d).
- (b) The supervisor shall review the employee's progress as it relates to each identified performance deficiency.
- (c) Each counseling session will be documented in a progress report.

#### **1005.4.4 FINAL REPORT**

At the end of the PIP, the supervisor shall prepare a final report regarding the employee's progress. When the employee successfully completes the program, the final report should

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reinforce the improved performance and encourage continued acceptable performance. In the event the employee does not successfully complete the program, the report should:

- (a) Specify those standards the employee failed to achieve and how the employee failed to do so.
- (b) State that the supervisor is recommending that the employee, in the case of a sworn officer, be placed in Administrative Review (See §1005.5) or that the final report be forwarded to the Professional Standards Division for possible discipline.
- (c) Contain a detailed account of the employee's comments regarding the final report. The final report along with all follow-up reports and other appropriate documentation shall be forwarded to the Bureau Chief or designee for review and appropriate action via the employee's manager.
- (d) Copies of all unsuccessfully completed PIP's will be placed in the employee's personnel file.

#### **1005.5 ADMINISTRATIVE REVIEW**

Administrative Review is not the sole method for enhancing training for the retention of personnel. A wide variety of training methods are available and should not be replaced by this procedure. These training methods include seminars, lectures, and special courses that are available to address a wide spectrum of performance issues. Administrative Review is a process that enables the Department to ensure that an employee has been given the necessary basic information needed to perform in their assigned role within the Department.

Assigning an employee to Administrative Review, particularly when it follows or accompanies disciplinary action, is a serious undertaking. Embarrassment to the employee, an inevitable outcome of this assignment, is not the intended purpose, and the fact that it accompanies the assignment is weighed heavily.

The Administrative Review process is a training mechanism reserved for employees that are failing to respond to corrective measures. This process will generally be reserved for the most basic of job functions (e.g. patrol and general dispatching) and will not be utilized for more specialized and lateral assignments.

During Administrative Review, the employee will be assigned to a training officer/dispatcher for a pre-determined number of four-week periods. Generally, the process will consist of up to three 4-week periods with one final review period. This is subject to change based on each individual situation. The employee will participate in the process as if they were in a field training setting and all applicable training mechanisms will be utilized (Daily Observation Reports [DOR], Monthly Reviews, etc.) pursuant to Oxnard Police Department Policy §351.

At the conclusion of the Administrative Review process, if the employee has successfully met the objectives of the process, the records will be retained by the Professional Standards Division. If the employee is unsuccessful in meeting the objectives of the process, the matter will be forwarded to the Professional Standards Division for review and appropriate action.

## Audits

### **1009.1 PURPOSE AND SCOPE**

The purpose of this policy is to state the responsibility and authority of the Professional Standards Division, Audit and Inspections Unit, in regards to conducting audits and inspections.

### **1009.2 GENERAL INFORMATION**

The Professional Standards Division, Audit and Inspections Unit, conducts audits and inspections within the Department. The Audit and Inspections Unit communicates issues identified in audits or inspections to the division commander and the assistant police chief of the affected bureau.

### **1009.3 AUDIT PURPOSE**

The purpose of an audit/inspection is to:

- (a) Inform management about the operation of a departmental process or function.
- (b) Assist managers and supervisors in directing resources toward the accomplishment of the goals and objectives of the Department.
- (c) Assess risks and make recommendations to reduce/eliminate exposure to liability.

### **1009.4 DETAILED PROCEDURE**

All audits/inspections will be conducted as a result of an order from the Chief, an assistant chief, or a division commander. Requests will be documented within the audit plan by the assigned auditor.

- (a) Any commander wishing to have an audit conducted of a division or unit will submit a written request to the Administrative Services Bureau Chief. Included will be a list of objectives for the audit (i.e. what questions should the audit seek to answer).
- (b) All requests will be evaluated and scheduled by the Professional Standards Commander based on the need, workload, and availability of the auditor.

Authority:

- (a) The Audit and Inspections Unit functions under the authority of the Chief of Police.
- (b) The Professional Standards Commander will direct the daily activities of the Audit and Inspections Unit on behalf of the Chief of Police.
- (c) Audit and Inspections Unit personnel may review or assess any departmental policy or procedure within the scope of the assigned audit or inspection.

Audit and Inspections Unit personnel will seek the facts and information necessary to answer the objectives of the audit. The auditor will perform the following activities:

- (a) Evaluate compliance with rules, regulations, policies and procedures.
- (b) Review departmental processes to determine whether results are consistent with established goals and objectives.
- (c) Objectively assess the quality of performance with regard to assigned responsibilities.

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### *Audits*

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- (d) Determine the extent to which department resources are accounted for and evaluate the safeguards in place that limit the losses of such resources.

Audits shall be based on the Generally Accepted Government Auditing Standards. All audit reports should contain the following sections:

**Purpose** - All reports will briefly explain the reason for the audit and identify the organizational entity requesting the audit, as well as the entity that conducted the audit.

**Background/Prior Audits (if applicable)** - It may be necessary to briefly explain the circumstances and conditions that led to the audit. Information regarding prior audits and the status of the prior audit recommendations should be reflected in this section.

**Methodology** - An explanation of the procedures utilized to achieve the stated objectives. Includes information regarding; audit time period, audit population, source documents, audit objectives, etc.

**Findings** - Findings that support a recommendation should include a reference to the respective recommendation. No personal opinions should be included in the findings section. The use of bullets, tables, and graphs, etc., is a good way to convey certain types of findings.

**Recommendations/ Actions Taken** - This section briefly and clearly states the recommended corrective action and, when applicable, the organizational entity responsible for implementing the recommendation. The recommendations must be supported by a finding.

**Addenda (Optional)** - Documents, charts, graphs, or other supplemental materials that are referred to in the audit report and will be required by the reader to understand the audit report should be attached as the addenda.

Audit reports that are longer than four pages in length should include an executive summary. The purpose of the executive summary is to give the police manager a "quick read" of the significant material contained within the report. The executive summary should be a separate section included at the beginning of the audit report.

### **1009.5 INSPECTIONS**

Proactive random inspections will periodically be conducted by the Audit and Inspections Unit. The Audit and Inspections Unit will brief the assistant chief of the affected bureau regarding the inspection results.

## **Reporting of Employee Convictions**

### **1010.1 PURPOSE AND SCOPE**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Personnel and Training Unit shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR § 9040).

The Personnel and Training Unit shall submit in a timely manner a notice to POST of a felony conviction or a Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR § 9041).

### **1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS**

California and federal law prohibit individuals convicted of certain offenses, and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All employees are responsible for ensuring that he/she has not been disqualified from possessing a firearm by any such conviction or court order, and shall promptly report any such conviction or court order to Professional Standards, as provided in this policy.

### **1010.3 OTHER CRIMINAL CONVICTIONS**

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

### **1010.4 REPORTING PROCEDURE**

All employees of this department and all retired officers with an identification card issued by the Department shall promptly notify Professional Standards (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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### *Reporting of Employee Convictions*

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All employees and all retired officers with an identification card issued by the Department shall further promptly notify Professional Standards (or the Chief of Police in the case of retired officers) in writing if the employee or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the employee on his/her own time and with his/her own resources.

Any employee failing to provide prompt written notice pursuant to this policy may be subject to discipline.

#### **1010.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through his/her own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of his/her 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.

## Trauma Support Team

### **1011.1 PURPOSE AND SCOPE**

The following is the purpose of the Trauma Support Team:

- (a) To provide comfort and support for the physical and emotional health needs of employees involved in a traumatic event.
- (b) To facilitate the understanding and expression of feelings and/or perceptual distortions experienced during a traumatic event.
- (c) To extinguish and/or prevent symptoms of Post Traumatic Stress Disorder (PTSD).

### **1011.2 CONFIDENTIALITY**

The Oxnard Police Department recognizes as privileged communication the dialogue during a debriefing between members of the Trauma Support Team while acting as a Trauma Support Team member and those employees affected by a traumatic event. Trauma Support Team members shall not be compelled by order of the Chief to divulge or discuss any dialogue between a team member and affected employee.

### **1011.3 SCOPE OF RESPONSIBILITY**

The Trauma Support Team shall provide immediate and ongoing assistance when an employee experiences a traumatic event on-duty, or the employee requests the services of the Trauma Support Team. Additionally, the Trauma Support Team should be contacted via the Watch Commander to provide assistance when a supervisor and/or on scene personnel recognize that an employee has been involved in a traumatic incident that has resulted in emotional shock to the degree that substantial and/or lasting emotional damage may occur.

The team's scope of responsibility includes, but is not limited to:

- (a) Critical events involving police personnel.
- (b) Infant/child deaths.
- (c) Traumatic traffic collisions.
- (d) Suicides in which the crime scene is unusually disturbing.
- (e) Great bodily harm to officers.
- (f) Natural disasters.
- (g) Catastrophic events.
- (h) Educating a spouse or involved officer to resources available to them. An EAP pamphlet with a list of contact people should be provided.

#### **1011.3.1 TEAM COMPOSITION AND STRUCTURE**

The Trauma Support Team is comprised of sworn and civilian police personnel. These officers and civilians should have significant experience in police-related traumatic incidents and have specialized ongoing training in assisting fellow employees and their families in dealing with the immediate adverse psychological and physical reactions to traumatic events.

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### *Trauma Support Team*

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A team roster will be maintained by the Professional Standards Division Commander, and a copy will be placed in the Watch Commander's office.

#### **1011.4 ACTIVATION**

Under the conditions defined in Policy Manual § 1011.3, the on-duty Watch Commander shall activate the Trauma Support Team in the following manner:

- (a) The Watch Commander shall ensure that the Trauma Support Team Coordinator is contacted to determine if debriefing services are needed and how many team members are required. If debriefing services are needed, the Trauma Support Team Coordinator shall then contact the Department psychologist and obtain approval for an activation. The Trauma Support Team Coordinator will contact the appropriate number of Trauma Support Team members and have them respond to the police station where a briefing of the incident will take place. The Trauma Support Team Coordinator will notify the incident supervisor and/or detective supervisor of his/her presence, and coordinate the debriefing of the affected personnel. On-duty Trauma Support Team members involved in the incident shall not be a part of the debriefing team.
- (b) In the event the Trauma Support Team Coordinator is unavailable, the Watch Commander shall contact the Trauma Support Team sergeant(s). The sergeant(s) shall activate the Trauma Support Team members as outlined above.
- (c) Any Trauma Support Team member can facilitate an activation under the conditions specified in this policy.

#### **1011.5 COMMAND RESPONSIBILITY**

The Professional Standards Division Commander will provide administrative support and oversight for the Trauma Support Team.

##### **1011.5.1 TEAM SUPERVISORS**

The Trauma Support Team Coordinator will be one of the sergeants on the team. The team coordinator will be responsible for the following:

- (a) Supervision and administrative duties of the Trauma Support Team.
- (b) Updating the Professional Standards Division Commander of any call outs or utilization of Trauma Support Team members.
- (c) Updating the Watch Commander on the activities of the Trauma Support Team.
- (d) Coordinating training for all team members.

In the absence of the Trauma Support Team Coordinator, the team sergeants shall assume the responsibility for all team functions. In the absence of a team sergeant, a team member can notify the Department psychologist and activate the Trauma Support Team. These responsibilities may include, but are not limited to:

- (a) Contacting the Department psychologist and advising him/her of the circumstances of the incident, and receiving approval for a team activation.
- (b) Liaison with involved investigative personnel.
- (c) Assessing the need for additional team members.
- (d) Advising the team coordinator of the circumstances of the activation, employees involved, support team members being used, and status of the debriefed personnel.

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- (e) If unable to contact the team coordinator, the team sergeant or team member will advise the Professional Standards Division Commander of the circumstances of the activation and employees involved.
- (f) Liaison with the Watch Commander on the activities of the Trauma Support Team.

#### **1011.6 TRAINING**

All Trauma Support Team members must attend mandatory training classes unless otherwise excused. No services will be performed by a team member until certified by the Department psychologist. If minimum training standards are not met, team members may be subject to removal from the Trauma Support Team.

#### **1011.7 OUTSIDE AGENCY REQUEST FOR TRAUMA SUPPORT**

The Professional Standards Division Commander will be immediately notified regarding any outside agency requests for the Trauma Support Team. The type of incident, number of individuals needing to be debriefed, and the number of Trauma Support Team members required will be considered by the Professional Standards Division Commander in deciding if the Trauma Support Team will assist the requesting agency.

If the Professional Standards Division Commander is unavailable, the Administrative Services Bureau Chief will be contacted for approval.

#### **1011.8 ADMONITION**

*"We are Trauma Support Team members. We are going to debrief you at the direction of Dr. Blum, a Clinical Psychologist. We have spoken with Dr. Blum about this incident and he has directed us to debrief you for the purpose of diagnosing any symptoms of Post Traumatic Stress. The information you tell us will remain confidential and we will only share it with Dr. Blum and other Trauma Support Team members. We are required by law to divulge any information regarding child abuse, elder abuse, criminal activity, or significant threats to harm another person. We will inform Dr. Blum of the results of this debriefing. This will be an oral debriefing and it will not be recorded and we will not take notes."*

## **Alcohol and Drug Use Policy**

### **1012.1 PURPOSE AND SCOPE**

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Oxnard Police Department discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

### **1012.2 GENERAL GUIDELINES**

The consumption of illegal drugs is strictly prohibited and the consumption of alcohol by on-duty employees is generally prohibited except as necessary and expressly authorized in the performance of an official special assignment. Employees who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any medication that would tend to adversely affect his/her mental or physical abilities shall not report for duty. Employees shall notify the Watch Commander or appropriate supervisor as soon as he/she is aware that he/she will not be able to report to work. If employees are unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

#### **1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY**

Department employees shall not purchase or possess alcohol or other controlled substances on city property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on city property, or at any other time.

#### **1012.2.2 USE OF PRESCRIBED MEDICATIONS**

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to his/her immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department owned or department leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on or off-duty is prohibited and may lead to disciplinary action.

#### **1012.3 EMPLOYEE ASSISTANCE PROGRAM**

A voluntary Employee Assistance Program (EAP) is available to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverages which provide treatment for drug and alcohol abuse. Employees may contact the Department of Human Resources, his/her insurance provider, or obtain an EAP flyer located within the Department.

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It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1012.4 WORK RESTRICTIONS**

If any employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that any person's ability to perform his/her duties safely and efficiently may be impaired by the consumption of alcohol or other drugs, the supervisor may ask the person whether he/she has consumed any alcohol or other drugs and, if so, the amount and type of alcohol or other drug consumed, the time of consumption, and the name of the person who prescribed the controlled substance.

If the supervisor reasonably believes, based on objective facts, that a person is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the person from continuing to work and shall transport him/her or cause him/her to be transported safely away from the Department.

The supervisor shall contact his/her commander/manager, who will in turn contact the appropriate assistant chief and Professional Standards.

#### **1012.5 REQUESTING SCREENING TESTS**

The Department may request an employee to submit to a screening test if the Department:

- (a) Reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that impairs his/her ability to perform duties safely and efficiently.
- (b) Informs the employee of the specific facts supporting the belief and prepares a written record of those facts, and:
  1. Informs the employee in writing whether the test will be for alcohol or drugs or both.
  2. Informs the employee that the result of the test is not admissible in any criminal proceeding against him/her.
  3. Informs the employee that he/she may refuse the test but that refusal may result in dismissal or other disciplinary action.

##### **1012.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS**

The Department may request an employee to submit to a voluntary screening test if the employee:

- (a) Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.
- (b) During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/her or another person, or substantial damage to property.

##### **1012.5.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

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### *Alcohol and Drug Use Policy*

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- (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 by Professional Standards, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

#### **1012.6 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test may be provided to the employee but will remain confidential and separate from the employee's other personnel files.

## **Respirator Protection Program**

### **1013.1 PURPOSE AND SCOPE**

The potential for employee exposure to respiratory hazards exists during the performance of specific job duties within the police department. The purpose of this program is to ensure that all employees are protected from exposure to respiratory hazards. Controls such as ventilation and substitution of less toxic materials are the first line of defense. However, these controls are not always feasible for some operations, or they will not always completely control the identified hazards. In these situations, respirators and other protective equipment must be used. Respirators are also utilized for protection during foreseeable emergencies.

### **1013.2 MANDATORY USE OF RESPIRATORS**

This program applies to all police officers who may be required to wear respirators during normal work operations and during certain nonroutine or emergency operations. The requirement to wear a respirator is determined based on the employee's potential exposure to respiratory hazards.

Employees participating in the respiratory protection program do so at no cost to themselves. The expenses associated with medical evaluations, training, and respiratory protection equipment will be borne by the Police Department/City of Oxnard.

### **1013.3 RESPIRATOR PROGRAM ADMINISTRATOR**

The Special Operations Division Commander as the Program Administrator is responsible for overseeing the respiratory protection program and ensuring that all requirements are fully implemented. The Program Administrator has the authority to assign responsibility and accountability to employees or supervisors for each phase of this program.

### **1013.4 WORKPLACE CONDITIONS AND WORKER EXPOSURE**

#### **1013.4.1 RESPIRATORY HAZARD EVALUATION**

Employees who believe that respiratory protection is needed during a particular activity should contact a supervisor.

#### **1013.4.2 RESPIRATOR SELECTION**

Respirators have been selected on the basis of the hazards to which the employees are exposed. Guidance for respirator selection was obtained by reviewing the OSHA Technical Section Manual, Section VIII, Chapter 2.V. "Respirator Selection". All respirators must be certified by the National Institute for Occupational Safety and Health (NIOSH) and shall be used in accordance with the terms of that certification. All filters, cartridges, and canisters must be labeled with the appropriate NIOSH certification number. The label must not be removed or defaced while it is in use. Respirators and canisters will be provided to officers. Officers are not authorized to use a personal respirator or canisters, only that which is provided by the Department.

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#### **1013.4.3 WORKPLACE AND USER FACTORS**

Potential workplace and user factors that could influence the selection of respirator types must also be considered. Workplace and user factors include, but are not limited to, the equipment or tools that will be used; excessive temperature or relative humidity; or any motion or travel required which can interfere with the type of respirator to be selected.

#### **1013.5 RESPIRATOR USE**

##### **1013.5.1 FACE PIECE SEAL PROTECTION**

The use of respirators under controllable conditions that would compromise the face piece-to-face seal will not be permitted. Examples of these conditions include facial hair that interferes with the face piece seal or valve function, absence of normally worn dentures, facial deformities (e.g., scars, deep skin creases, prominent cheekbones), or the use of jewelry or headgear that projects under the face piece seal. Fit testing cannot be conducted if any of these conditions exists. Additionally, corrective glasses or goggles, or other personal protective equipment, must be worn in such a way that they do not interfere with the seal of the face piece to the face.

##### **1013.5.2 WORKPLACE OBSERVATIONS**

The daily supervision and oversight of the proper use of respirators is the responsibility of the supervisor who will ensure that employees wear respirators when required, and that respirators are used correctly.

##### **1013.5.3 CHANGE SCHEDULE FOR CARTRIDGES**

A cartridge replacement schedule is followed based on manufacturer breakthrough test data. The following table outlines the change schedule for cartridges used at the Department. The change schedules listed in the following table were established using the cartridge manufacturer's recommendations:

| Cartridge Manufacturer     | Cartridge Model Number | Maximum Shelf Life                 |
|----------------------------|------------------------|------------------------------------|
| Safety Systems Corporation | AV1-DPF-12             | 10 Years in package/6 mos. on mask |
| Safety Systems Corporation | AV1-CTF-12             | 5 Years in package/6 mos. on mask  |

##### **1013.5.4 FILTERS**

For respirators worn exclusively for protection against particles, filters will be changed according to the manufacturer's specification and whenever the wearer detects an increase in breathing resistance. It is the responsibility of the Program Administrator to ensure that the change schedule is complete and updated as necessary.

##### **1013.5.5 FIT TESTING**

Fit testing will be required for all employees who are required to wear respirators with a tightfitting face piece. Fit testing will be performed:

- (a) After an employee has completed their medical evaluation and prior to being allowed to wear any respirator with a tight fitting face piece in the work environment.
- (b) Whenever a different respirator face piece is used.
- (c) As deemed necessary by the Program Administrator.

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- (d) When there are changes in the employee's physical condition that could affect respiratory fit (e.g., obvious change in body weight, facial scarring, etc.)

Employees will be provided with different sizes of respirators so that they may find the optimal fit.

#### **1013.5.6 INITIAL MEDICAL EVALUATION**

Employees who use respirators must be able to tolerate the physical and psychological stress imposed by respirator use. Employees will not be allowed to wear respirators until a physician or other licensed health care professional (PLHCP) has determined that they are medically able to do so. Any employee refusing the medical evaluation cannot work in an area requiring respirator use.

A powered air-purifying respirator (PAPR) may be provided to any employee if information from the PLHCP indicates that the employee can use a PAPR but not a negative pressure respirator. If, subsequent to this evaluation, the PLHCP determines that the employee is able to wear a negative pressure respirator, the Oxnard Police Department will no longer be required to provide a PAPR to that employee.

#### **1013.5.7 PLHCP'S WRITTEN RECOMMENDATIONS**

The employee will receive a copy of the PLHCP's written recommendations from the designated medical clinic. Information concerning diagnosis, test results, or other confidential medical information will not be disclosed to the Oxnard Police Department by the PLHCP.

#### **1013.5.8 ADDITIONAL MEDICAL EVALUATIONS**

The Oxnard Police Department will provide an additional medical evaluation or medical reevaluation for any employee when:

- (a) The employee reports medical signs or symptoms that are related to the employee's ability to use a respirator.
- (b) The PLHCP, supervisor, or the respirator program administrator observes that the employee is having a medical problem during fit testing or workplace respirator use.
- (c) Information from the respiratory protection program, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation.
- (d) A change occurs in workplace conditions (e.g., physical work effort, type of respirator used, protective clothing, temperature) that may result in a substantial increase in the physiological burden placed on an employee.
- (e) The content of such additional medical evaluations will be determined by the PLHCP. A supplemental medical questionnaire will be administered at least annually by the Department of Preventive Medicine and Environmental Health.

### **1013.6 MAINTENANCE AND CARE**

#### **1013.6.1 CLEANING AND DISINFECTION**

Respirators will be cleaned and disinfected by the assigned officers using the manufacturer's recommendations for each respirator.

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Respirators that are issued for the exclusive use of an employee will be cleaned and disinfected as often as necessary to be maintained in a sanitary condition. Employees will be responsible to clean and disinfect respirators issued for their exclusive use.

#### **1013.6.2 STORAGE**

Respirators will be stored so that they are protected against damage, contamination, dust, sunlight, temperature extremes, excessive moisture, and damaging chemicals. Respirators will be stored in compliance with the manufacturer's recommendation.

#### **1013.6.3 INSPECTION**

Respirators used in routine situations will be inspected before each use and during cleaning by the assigned officer. Respirator inspections will be conducted in accordance to the manufacturer's recommendations.

Respirators designated for use in an emergency situation must be inspected periodically and in accordance with the manufacturer's instructions and checked for proper function before and after each use. Emergency escape-only respirators must be inspected before being carried into the workplace. Self-contained breathing apparatus (SCBA) will be inspected periodically and after each use.

#### **1013.7 TRAINING AND INFORMATION**

Department representatives chosen by the Program Administrator will provide general orientation training to respirator users before the fit testing session. In addition to the general training session, site specific training will be conducted by the Program Administrator. This training focuses on the specific practices and policies of the Oxnard Police Department including the contents of the written respiratory protection program and the employees' responsibilities under it.

##### **1013.7.1 PROGRAM EVALUATION**

The Program Administrator is responsible to conduct evaluations of the workplace, as necessary. Periodic program evaluation is required to ensure that the provisions of the respiratory protection program are being implemented for all employees using respirators. In addition, evaluations will be conducted to ensure the continued effectiveness of the program. Evaluations of the workplace will determine whether the correct respirators are being used and worn properly and will also serve to determine whether the training program is effective.

The officer's immediate supervisor is responsible to periodically monitor employee use of respirators to ensure that they are being used and worn properly. The officer's immediate supervisor will regularly consult with employees wearing respirators to ascertain the employees' views on program effectiveness and to identify any problems so that corrective action can be taken.

The following factors will be evaluated to determine program effectiveness:

- (a) Respirators are properly fitted and if employees are able to wear respirators without interfering with effective workplace performance.
- (b) Respirators are correctly selected for the hazards encountered.
- (c) Respirators are used properly depending on the workplace conditions encountered.
- (d) Respirators are being maintained and stored properly.

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The Program Administrator will be responsible to correct any problems associated with wearing a respirator that are identified by employees or that are revealed during any other part of this evaluation.

#### **1013.8 RECORDKEEPING**

##### **1013.8.1 MEDICAL RECORDS**

The Program Administrator will retain a copy of the PLHCP's written recommendation for each employee subject to medical evaluation. Each employee's completed medical questionnaire, results of relevant medical tests, examinations, and diagnosis, etc., will be maintained by the PHLCP for a period of 30 years. Records of medical evaluations will be made available as specified in 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records."

##### **1013.8.2 FIT TEST RECORDS**

The Program Administrator will retain fit test records for respirator users until the next fit test is administered. These records consist of:

- (a) Name or identification of the employee tested;
- (b) Make, model, and size of the respirator fitted;
- (c) Date of the fit test;
- (d) Fit factor and other records of the test.

Additionally, each employee will retain fit testing results on a laminated card provided by the Department of Occupational Health and Safety.

##### **1013.8.3 TRAINING RECORDS**

The Program Administrator will retain employee training records that include the names of employees trained and the dates when training was conducted.

The Program Administrator will keep a current copy of the Oxnard Police Department's written respiratory protection program in the policy manual. All written materials required to be maintained under the record keeping requirements will be made available, upon request, to the employee who is subject of the records.

## **Sick Leave Reporting**

### **1014.1 PURPOSE AND SCOPE**

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement. This policy is not intended to cover all types of sick or other leaves. For example, employees may also 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 CFR § 825), the California Family Rights Act, or for organ or bone marrow donor procedures (29 CFR § 825; Government Code § 12945.2; Labor Code § 1510).

### **1014.2 NOTIFICATION**

Employees shall notify his/her immediate supervisor or the Watch Commander as soon as he/she is aware that he/she will not be able to report to work due to personal or family illness.

- (a) Sick leave is an employee's privilege.
- (b) The Department may require proof of illness by a doctor's statement when the employee is off for three consecutive days or more.
- (c) Notification is to be made in a timely manner in order to facilitate proper staffing arrangements.
- (d) Employees calling in sick should do so as soon as it is determined they will be unable to respond to the work site, or as soon as practical using the following guidelines.
- (e) Public safety related employees (i.e. sworn officers, public safety dispatchers and police service officers) calling in sick should do so at least five hours prior to the start of the scheduled shift.
- (f) Support and clerical employees calling in sick should do so at least 1 hour prior to the start of the assigned shift.

#### **1014.2.1 PERSONAL NOTIFICATION**

- (a) Calls of absence due to illness must be by personal contact with the employee's immediate supervisor or the on-duty Watch Commander, in the absence of his/her immediate supervisor.
- (b) Leaving a voice-mail message in the Watch Commander's office will not satisfy the personal notification requirement.
- (c) If the employee is so incapacitated as to preclude a personal call, the employee's spouse, relative or other person authorized by the employee may make the call.

### **1014.3 EXTENDED ILLNESS**

Employees on extended absences shall, if possible, contact his/her unit supervisor at three-day intervals to provide an update on the absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

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### *Sick Leave Reporting*

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Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

#### **1014.4 SUPERVISOR RESPONSIBILITY**

Supervisors should monitor sick leave usage and regularly review the attendance of employees under his/her command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

## Communicable Diseases

### 1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of his/her duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

### 1016.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOLTRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR § 5199):

- (a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
- (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
- (c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

#### 1016.2.1 EXPOSURE CONTROL OFFICER

The Personnel and Training Sergeant will be designated as the Department's Exposure Control Officer. The ECO shall be responsible for the following:

- (a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.

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- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
- (d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
- (e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
- (f) Maintaining an up-to-date list of police personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.
- (g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

#### **1016.2.2 UNIVERSAL PRECAUTIONS**

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

#### **1016.2.3 PERSONAL PROTECTIVE EQUIPMENT**

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- (a) Not less than two pair disposable latex gloves (keeping a box in the car recommended).
- (b) Safety glasses or goggles.
- (c) Rescue mask with a one-way valve.
- (d) Alcohol (or similar substance) to flush skin at emergency site (keeping several alcohol hand wipes in the car recommend).

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

#### **1016.2.4 IMMUNIZATIONS**

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

#### **1016.2.5 WORK PRACTICES**

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall

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be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

#### **1016.3 DISPOSAL AND DECONTAMINATION**

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

##### **1016.3.1 USE OF WASTE CONTAINERS**

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

##### **1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES**

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

##### **1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE**

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practical, shall be into a puncture proof biohazard container.

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All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

#### **1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT**

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

#### **1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT**

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

#### **1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT**

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces,

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blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

#### **1016.3.7 DECONTAMINATION OF CLOTHING**

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

#### **1016.3.8 DECONTAMINATION OF VEHICLES**

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

#### **1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA**

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

### **1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

#### **1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE**

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

#### **1016.4.2 SUPERVISOR REPORTING REQUIREMENTS**

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and social security number of the employee(s) exposed.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.

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- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

#### **1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT**

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- (a) If a post-exposure treatment is indicated for the employee.
- (b) If the employee received a post-exposure treatment.
- (c) Confirmation that the employee received the evaluation results.
- (d) Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- (e) Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

#### **1016.4.4 COUNSELING**

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

#### **1016.4.5 CONFIDENTIALITY OF REPORTS**

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

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The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee'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.

#### **1016.5 SOURCE TESTING**

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.
- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Oxnard Police Department qualifies as a crime victim (Penal Code § 1524.1).

##### **1016.5.1 EXPOSURE FROM A NON-ARRESTEE**

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with City Attorney and consider requesting that a court order be sought for appropriate testing.

##### **1016.5.2 EXPOSURE FROM AN ARRESTEE**

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

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- (a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practical, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.
- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.

## Smoking and Tobacco Use

### 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Oxnard Police Department facilities or vehicles.

### 1018.2 POLICY

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any Department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Employees in uniform are also prohibited from smoking or using tobacco products while in public view.

#### 1018.2.1 M.O.U. REQUIREMENTS

All department employees (except those represented by the SEIU) shall refrain from using tobacco products while on duty or on City premises. For the purposes of this policy, the term "on-duty" shall be interpreted to mean the hours the employee is working. These hours will be inclusive of breaks and lunch periods, irrespective of whether the employee is compensated for breaks and or lunch periods. (on-duty defined in MOU 2000-2003)

Pursuant to the Memorandum of Understanding ratified September 10, 2005, between the City of Oxnard and the Oxnard Peace Officers Association, the following procedures will be in effect:

- (a) All Unit employees represented by the OPOA and hired after September 13, 2003, shall be required to sign a "Statement of Acceptance" to refrain from using tobacco products as a term and condition of employment.
- (b) All Unit employees represented by the OPOA prior to September 13, 2003, shall refrain from using tobacco products while on-duty or on city premises.

Violation of the Tobacco Use Policy shall provide the basis for progressive disciplinary action, if subsequent violations occur within one year of a prior offense.

# Citizen Complaints and Administrative Investigations

## **1020.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the reporting, investigation, and disposition of citizen complaints and administrative investigations regarding conduct of all Department employees, sworn and civilian.

This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code § 3303(i)).

## **1020.2 CITIZEN COMPLAINT DEFINED**

A citizen complaint includes any public complaint, anonymous or third party, regarding Department service, policy or procedure, claims for damages, or employee misconduct.

Employee misconduct includes, but is not limited to, the following:

- (a) Commission of a criminal offense.
- (b) Neglect of duty.
- (c) Violation of Department policies, rules, regulations, or procedures.
- (d) Conduct which may tend to reflect unfavorably upon the employee or the Department.

### **1020.2.1 AVAILABILITY OF COMPLAINT FORMS**

Citizen complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other city facilities, storefronts, and on the Department website.

### **1020.2.2 SOURCE OF COMPLAINTS**

A supervisor receiving a complaint from any source against an employee which, if sustained, could result in disciplinary action, shall notify Professional Standards.

Any employee who becomes aware of possible misconduct by another employee, shall immediately report the incident to a supervisor or Professional Standards (Policy Manual § 340.3.2(f)).

### **1020.2.3 ACCEPTANCE OF COMPLAINTS**

A complaint shall be accepted from any source including those that are written, verbal, electronic, in person, or by telephone. Although not required, every effort should be made to have the complainant appear in person. Anonymous and third party complaints should be accepted and investigated to the extent that the provided information allows.

A supervisor/manager receiving or initiating any complaint that may be investigated formally shall ensure that either a citizen complaint form has been completed, or that a memorandum or detailed email regarding the circumstances has been forwarded

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to Professional Standards. Supervisors shall report serious allegations to the Watch Commander or his/her manager, and Professional Standards.

When the nature of a citizen complaint relates to harassment or discrimination, the supervisor/manager receiving the complaint shall promptly contact Professional Standards, who will contact the Department of Human Resources and the Chief of Police for direction regarding the investigation (Policy Manual § 328).

Supervisors/managers shall document and forward a memorandum to Professional Standards for complaints against employees that allege:

- (a) Excessive force.
- (b) Discrimination or harassment.
- (c) Unlawful search and/or unlawful seizure of a person or property.
- (d) Dishonesty.
- (e) Domestic violence.
- (f) Improper/illicit use of alcohol, narcotics, or drugs.
- (g) Sexual misconduct.
- (h) Theft.
- (i) Retaliation/retribution against another employee.

Investigations of these incidents may be returned to the supervisor/manager to be handled informally if sufficient evidence is available to disprove the allegation.

Supervisors/managers may handle complaints informally when the following conditions apply:

- (a) The complaint, as stated, would not result in discipline to the employee.
- (b) The complaint, as stated, would not amount to the commission of a felony or misdemeanor.
- (c) The reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure.
- (d) The accused employee has no apparent pattern of similar behavior (should generally be limited to the past five years) for which he/she is accused.

Upon receipt of a citizen complaint, supervisors/managers should consider, and may be responsible for the following:

- (a) Conducting a preliminary investigation. This may include, but is not limited to the following: Reviewing digital recordings, reviewing the reason for the contact in CAD (i.e. call for service, traffic/pedestrian stop), reading related reports, checking ride schedules/AVL data, reviewing photographs, etc.
  - (b) Audio record interviews with the complainant and witnesses.
  - (c) Making reasonable efforts to obtain names, addresses, and telephone numbers of additional witnesses.
  - (d) When appropriate, and once medical attention has been provided, obtain photographs of alleged injuries, as well as accessible areas of non-injury.
  - (e) Ensure that the procedural rights of the employee are followed.
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- (f) When immediate action is necessary due to the seriousness and nature of the complaint, such that it may subject the employee or Department to severe criticism or liability, the concerned supervisor/manager shall ensure that the Duty Chief and Professional Standards are promptly notified.

When a complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be given verbally to the receiving supervisor. In an effort to ensure accuracy in any complaint, a recorded statement shall be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

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 employee's bureau chief or the Chief of Police who will initiate appropriate action.

When complaints are taken from juveniles, supervisors/managers should make every attempt to notify the parents or guardians of the circumstances prompting the complaint.

When a complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a citizen complaint form.

### **1020.3 ADMINISTRATIVE INVESTIGATIONS**

Administrative investigations include internally generated investigations into employee misconduct, improper job performance, and citizen complaints.

#### **1020.3.1 INVESTIGATIONS DEFINED**

**Formal (Disciplinary)** - A formal, or disciplinary investigation, is one where the allegation, if sustained, could result in discipline to the employee.

**Informal (Non-Disciplinary)** - An informal, or non-disciplinary investigation, is one where the complaining party is satisfied with the course of action taken, the allegation itself is of a minor nature not likely to result in discipline, or can quickly be resolved without the need for further investigation because sufficient evidence is available to disprove the allegation(s) (i.e. audio or video evidence).

#### **1020.3.2 FORMAL INVESTIGATION**

Whether conducted by Professional Standards or an assigned supervisor, Government Code § 3303, et seq. shall be followed for employees who are members of the Oxnard Peace Officers Association (OPOA) or Oxnard Public Safety Managers Association (OPSMA).

Every investigator or supervisor assigned to conduct an investigation, shall complete the investigation in a timely manner. 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.

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When an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action to further investigate with regard to any additional allegations.

If the nature of the allegation(s) dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed within one year of discovery.

#### **1020.3.3 FORMAL INVESTIGATION REPORT FORMAT**

Formal investigations shall be detailed and complete. The Investigation Report shall include the identity of the employee(s), the identity of the assigned investigator(s), the date of the incident, and follow the below format:

**Summary Of Allegations** - List the allegations separately (including applicable policy sections) with a brief summary of the scope of the investigation. Where appropriate, include the source of the complaint.

**Summary of Investigation** - A comprehensive summary of all relevant information developed through the course of the investigation, documented in chronological order. This section should be limited to facts, statements, description of any evidence, and observations of the investigator.

**Analysis/Conclusion** - The section of the report that ties the entire investigation together, reaching sound and well-supported findings on each alleged policy violation.

The completed investigation file should also include any materials used to support the investigation and findings. The materials may include but are not limited to transcripts of interviews, related police reports, photographs, audio and video recordings, and internal affairs documents.

#### **1020.3.4 INVESTIGATION DISPOSITIONS DEFINED**

Each allegation in an investigation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)). California Code of Civil Procedure § 128.5 (c) defines frivolous "as totally and completely without merit or for the sole purpose of harassing an opposing party."

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

**Incomplete** - A matter in which the complaining party refuses to cooperate or becomes unavailable, or where the subject of the investigation (such as an employee) becomes unavailable (such as due to separation of employment). At the discretion of Professional Standards, such matters may be suspended, or further investigated depending on the seriousness of the complaint, and the availability of sufficient information.

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**Procedure Complaint** - A complaint where the alleged act occurred and there was no misconduct on the part of the employee, rather the complaining party's lack of knowledge as it relates to department policy and procedure led to the complaint. This finding may only be used on an informal investigation.

#### **1020.3.5 MANAGER RESPONSIBILITIES**

Upon receipt of any completed formal investigation, the manager of the involved employee shall review the entire investigative file and any other relevant materials.

The manager shall complete an Investigation Summary, and make recommendations regarding the disposition of all allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the employee's bureau chief, the manager may return the entire investigation to the assigned investigator or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the employee's bureau chief, the manager shall include all relevant materials supporting the recommendation.

#### **1020.3.6 RESPONSIBILITIES OF THE CHIEF OF POLICE AND BUREAU CHIEFS**

The employee's bureau chief will complete a memorandum to the Chief summarizing the manager's Investigation Summary, and will make recommendations regarding the disposition of all allegations and the amount of discipline, if any, to be imposed.

Upon receipt of any written recommendation regarding a formal investigation, 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 chief for further investigation or action. Once the Chief of Police is satisfied that no further investigation or action is required, the Chief of Police shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with a written notice of intent to impose discipline. The following information should be contained:

- (a) Specific allegations set forth in separate counts, describing the conduct underlying each count.
- (b) A recommendation of proposed discipline for the allegation(s).
- (c) A statement that the employee may be provided with, or given access to, all of the materials (except those deemed confidential) considered by the Chief of Police in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Chief of Police within ten days of receiving the notice.
  - 1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
  - 2. If the employee elects to respond orally, the presentation may be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

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#### **1020.4 EMPLOYEE RESPONSE (SKELLY HEARING)**

The following applies to OPOA and OPSMA members:

The Skelly Hearing is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline.

The employee shall consider the following:

- (a) The Skelly Hearing is not intended to be adversarial.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly Hearing is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation be conducted, or may provide additional information (e.g., mitigating factors) for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.
- (f) Once the employee has completed his/her Skelly Hearing or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying, or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination.
- (g) Once the Chief of Police has issued a written decision, the discipline shall become effective

For employees outside of the OPOA or OPSMA, personnel rules and the operative Memorandum of Understanding (MOU) for the respective bargaining unit shall apply.

#### **1020.5 POST SKELLY HEARING PROCEDURE**

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

#### **1020.6 COMPLETION OF FORMAL INVESTIGATION**

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning his/her complaint may contact Professional Standards to discuss the matter further.

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#### **1020.7 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of complaints shall be considered confidential, and shall be maintained within the Internal Affairs Unit (Policy Manual § 1026.3). The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any formal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's Internal Affairs File to refute such false representations (Penal Code § 832.5).

Completed investigations shall be maintained for a period of no less than five years. (Penal Code § 832.5)

Letters of reprimand and final notices of discipline shall be maintained in the employee's Personnel File. Investigations which are unfounded, exonerated, or not sustained shall be maintained by the Internal Affairs Unit apart from the employee's Personnel File (Policy Manual § 1026.3).

#### **1020.8 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When an allegation of misconduct or improper job performance is of a serious nature, Professional Standards may assign the employee to administrative leave pending completion of the investigation.

It shall be the responsibility of Professional Standards to promptly notify the employee's bureau chief and the Chief of Police when an employee has been placed on administrative leave.

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Continue to receive regular pay and benefits pending the imposition of any discipline
- (b) Relinquish any badge, department identification, assigned weapon(s), and any other department equipment to Professional Standards. The employee may be ordered not to exercise peace officer powers.
- (c) Continue to comply with all Department policies and lawful orders of a supervisor.
- (d) Temporary reassignment (generally Monday thru Friday from 0800 to 1700 hours) during the duration of the investigation, remaining available for contact during these times. The employee shall report as ordered by Professional Standards.
- (e) Be responsible for lawfully subpoenaed court appearances unless otherwise directed by Professional Standards.

At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification cards, and other equipment returned.

#### **1020.9 ALLEGATIONS OF CRIMINAL CONDUCT**

When a department employee is suspected of potential criminal conduct in the City of Oxnard, the Chief of Police shall be notified as soon as practical. The Special Investigations Detail may be assigned to investigate the criminal allegations. The Chief may also request a criminal investigation by an outside law enforcement agency. Any separate administrative investigation may parallel the criminal investigation.

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An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a citizen, and the employee may not be administratively ordered to provide any information to a criminal investigator. No information or evidence administratively coerced from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

#### **1020.10 ADMINISTRATIVE SEARCHES**

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant, or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be searched by a supervisor for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that misconduct is involved, and shall be conducted by Professional Standards personnel.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process<sup>3/4</sup> if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

#### **1020.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the Internal Affairs File. The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

#### **1020.12 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES**

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

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's Personnel File.
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.

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- (c) At all times during any investigation of allegations of misconduct involving a probationary OPOA member, such employee shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies.
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's Personnel File.
- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.

## Seat Belts

### **1022.1 PURPOSE AND SCOPE**

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

### **1022.2 WEARING OF SAFETY RESTRAINTS**

All employees 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 employee driving such a vehicle shall ensure that all other occupants, including non-employees, 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 officer or the public. Employees must be prepared to justify any deviation from this requirement.

#### **1022.2.1 TRANSPORTING CHILDREN**

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Employees should deactivate, if possible, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

#### **1022.3 TRANSPORTING PRISONERS**

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

#### **1022.4 INOPERABLE SEAT BELTS**

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.

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Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

## **Body Armor**

### **1024.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide employees with guidelines for the proper use of body armor.

### **1024.2 POLICY**

It is the policy of the Oxnard Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### **1024.3 ISSUANCE OF BODY ARMOR**

The Personnel and Training Unit supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice. In the event soft body armor is issued to civilian employees, this guidelines set forth in this policy shall apply.

The Personnel and Training Unit supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule, or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### **1024.3.1 USE OF SOFT BODY ARMOR**

Generally, the use of body armor is required subject to the following:

- (a) Employees shall only wear agency-approved body armor.
- (b) Employees shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Employees may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an employee is working in uniform or taking part in Department range training.
- (e) An employees 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.

#### **1024.3.2 INSPECTIONS OF BODY ARMOR**

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

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#### **1024.3.3 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.

## Peace Officer Personnel Files

### 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

### 1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Personnel File** - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department. Civilian employee personnel files will be maintained by Human Resources.

**Supervisor File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned bureau for the purpose of completing timely performance evaluations. For patrol personnel, this file is kept in the Watch Commander's Office.

**Training File** - Any file which documents the training records of an employee.

**Background File** - The file that is constructed and maintained by the Personnel and Training Unit during the hiring process of an employee.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history. This is separate from an employee's Personnel File and is maintained by Human Resources.

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#### **1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

#### **1026.5 REQUESTS FOR DISCLOSURE**

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of Professional Standards.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practical that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be noted in the corresponding file. A copy of a waiver or a memorandum to the file shall note the request for disclosure.

#### **1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146(e)).

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

#### **1026.6 EMPLOYEE ACCESS TO OWN FILE**

Any employee may request access to his/her own personnel file(s) during the normal business hours of the Custodian of Records (normally the Internal Affairs Sergeant). The Custodian of Records shall be present at all times when an employee views his/her personnel file. Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code § 3306.5). If the contested item is not removed from the file, the

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employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Current and former employees may view and photocopy any document within his/her Personnel File. Accessing, viewing, and photocopying materials from other files within the Department will be determined by the Custodian of Records.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of any department files.

### **1026.7 TYPES OF PERSONNEL FILES**

Peace officer personnel files can be located in any of the following places:

#### **1026.7.1 PERSONNEL FILE**

The Personnel File should contain, but is not limited to, the following:

- (a) Performance evaluations regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Disciplinary action:
  - 1. Disciplinary action resulting from sustained administrative investigations shall be maintained in the individual employee's Personnel File.
  - 2. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's Personnel File, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (c) Adverse comments such as negative Performance Reports, may be retained in the Supervisor File after the employee has had the opportunity to read and sign the comment and for a period up to two years Government Code § 3305).
  - 1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
  - 2. Any such employee response shall be attached to and retained with the original adverse comment.
  - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (d) Commendations shall be retained in the employee's Personnel File, with a copy provided to the involved employee.
- (e) Documentation reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

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#### **1026.7.2 SUPERVISOR FILE**

The Supervisor File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
  - 1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and § 3306.
  - 2. Duplicate copies of items that will also be included in the employee's Personnel File may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  - 3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the Supervisor File.

#### **1026.7.3 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained by Professional Standards in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or Professional Standards. These files shall contain:

- (a) The complete investigation of all complaints of employee misconduct, regardless of disposition.
  - 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 12-0001, 12-0002).
  - 2. Each investigative file arising out of a citizen's complaint or an administrative investigation involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)).
  - 3. Investigations that result in other than a sustained finding shall be maintained for no less than five years, but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

#### **1026.7.4 TRAINING FILES**

An individual training file shall be maintained by the Personnel and Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency re-qualification.

- (a) It shall be the responsibility of the involved employee to provide the Personnel and Training Unit with evidence of completed training/education in a timely manner.
- (b) The Personnel and Training Unit shall ensure that copies of such training records are placed in the employee's Training File.

#### **1026.7.5 BACKGROUND FILE**

Each employee will have a Background File created during the hiring process. The Personnel and Training Unit shall be responsible for the creation and maintenance of the file. The Background File will contain all required paperwork and documentation needed to determine suitability for hire, and may contain a Personal History Statement, polygraph report, background investigator report, transcripts, driving record, and reference checks.

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The viewing and photocopying of materials contained in the Background File shall be coordinated by the Personnel and Training Unit, and will be limited to those documents allowable by law.

#### **1026.7.6 MEDICAL FILE**

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

This file shall be maintained by Human Resources.

#### **1026.8 PURGING OF FILES**

Citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090 and Government Code § 26202).

- (a) Professional Standards shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If Professional Standards determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained from the Chief of Police.

#### **1026.9 BRADY MATERIAL IN PERSONNEL FILES**

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

##### **1026.9.1 DEFINITIONS**

**Brady Material** - In the *Brady v. Maryland* decision ( 373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

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**The Prosecution** - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

**Penal Code § 1054.1** - California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

#### **1026.9.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY**

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

For further clarification on the Brady process, refer to the Ventura County District Attorney's External Brady Policy.

## Employee Commendations

### **1030.1 PURPOSE AND SCOPE**

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

### **1030.2 WHO MAY MAKE COMMENDATIONS**

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is higher in rank or is the supervisor of the individual being commended. Additionally, investigators may commend Field Services Bureau officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

### **1030.3 COMMENDABLE ACTIONS**

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- (a) Superior handling of a difficult situation by an employee.
- (b) Any action or performance that is above and beyond the typical duties of an employee.
- (c) Conspicuous bravery or outstanding performance by any employee of the Department.

#### **1030.3.1 COMMENDATIONS**

Commendations shall be documented on a Supervisor's Performance Report or Letter of Commendation and should contain the following:

- (a) Employee name and assignment at the date and time of the commendable act.
- (b) A brief account of the commendable action including attachments as appropriate.

Completed reports shall be forwarded to the appropriate Bureau Chief for his/her review. The Bureau Chief shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be placed in the appropriate employee file by the supervisor.

Commendable action that may warrant greater recognition should be documented on an Oxnard Police Department Employee Recognition Program Nomination Form and be directed to the Employee Recognition Committee.

## **Fitness for Duty**

### **1032.1 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 his/her job functions (Government Code § 1031).

### **1032.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each employee to maintain good physical condition sufficient to safely and properly perform essential duties of his/her position.
- (b) Each employee 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.

### **1032.3 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the employee's commander or bureau chief, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

### **1032.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use annual or sick leave in order to address the issue or obtain medical treatment as needed.

### **1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

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Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Bureau Chief, 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.

#### **1032.6 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 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 Human Resources with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's Medical File maintained by Human Resources.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

#### **1032.7 LIMITATION ON HOURS WORKED**

Absent emergency operations employees should not work more than:

- (a) 16 hours in one day (24 hour) period or
- (b) 30 hours in any 2 day (48 hour) period or
- (c) 84 hours in any 7 day (168 hour) period

Except in very limited circumstances, employees should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

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Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

#### **1032.8 APPEALS**

An employee who is separated from paid employment or receives a pay reduction resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in Policy Manual § 1020.

#### **1032.9 OFF-DUTY PHYSICAL FITNESS ACTIVITIES**

An ongoing exercise program for sworn personnel is necessary to maintain the level of physical fitness required to perform the essential functions of his/her job. The means to achieve this level of fitness may differ for each officer and there is no universal mechanism of physical conditioning that is best for all. While there are many acceptable forms of exercise that accomplish the fitness goal, some carry too high a risk of injury to be considered acceptable.

Fitness programs should be designed to increase flexibility, endurance and strength while minimizing risk of injury. The purpose of this policy and the Wellness Program is to reduce job related injuries by providing guidelines that will assist personnel in achieving and maintaining a fitness level without undue risk. Physical conditioning outside of these guidelines, which is certainly a personal decision, may present too high of a risk of injury and therefore will not be considered as job related. The activities listed below are acceptable, and may be considered job related in a controlled environment (fitness facility or home workout area) for purposes of conditioning and/or strengthening:

- (a) Treadmill.
- (b) Push-ups.
- (c) Stationary bicycling.
- (d) Swimming.
- (e) Pull-ups.
- (f) Aerobics.
- (g) Abdominal crunches.
- (h) Cardio machines.
- (i) Rowing/skiing machines.
- (j) Weightlifting.\*

Sworn personnel will be required to participate in the Wellness Program before utilizing any department workout facility. Civilian personnel will be required to sign a waiver prior to utilizing a Department workout facility. Even when exercise is restricted to the approved activities, injuries are still possible. Therefore, employees are reminded to perform these exercises with safety in mind and are advised to consult his/her physician before starting an exercise program.

All recreational, competitive or contact sporting activities are not considered job-related physical fitness conditioning.

Open road jogging, bicycling and power walking may be an accepted off-duty activity. Injuries resulting from these activities will be reviewed on a case-by-case basis to determine the safety of the conditions in which the activities were conducted.

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\*Weightlifting is a valuable exercise, but also is an exercise that can easily cause injury if done improperly. In order to have weightlifting considered for covered off-duty fitness, sworn personnel will be required to participate in the Wellness Program. The Wellness Program will consist of an initial physical screening with a Department-authorized medical facility followed by a fitness consultation with a department-authorized Certified Physical Trainer. This fitness consultation will generate a recommended weight workout routine. This workout plan will then be submitted to the Personnel and Training Sergeant, in advance, in order to be considered for covered off-duty fitness. The officer may submit for approval a more intensive workout if he/she is working with a certified personal trainer. The workout, along with the qualifications of the trainer, must be submitted in advance.

## **Meal Periods and Breaks**

### **1034.1 PURPOSE AND SCOPE**

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

#### **1034.1.1 MEAL PERIODS**

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol, traffic officers, and Community Service Officers (CSOs) working the field shall request clearance from the Communications Center prior to taking a meal break. Employees shall take meal breaks within the City limits unless on assignment outside of the City or as authorized by a supervisor or the Watch Commander. Employees will advise the Communications Center of the location of the meal break, and will not check out "on the air."

The time spent for the meal break shall not exceed the authorized time allowed.

#### **1034.1.2 15 MINUTE BREAKS**

Each employee is entitled to a 15 minute break, near the mid-point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for his/her breaks. This would not prohibit him/her from taking a break outside the facility if on official business or if authorized by a supervisor.

Field officers and CSOs will take breaks in his/her assigned area, subject to call and shall monitor the radio. When field officers or CSOs take breaks away from his/her vehicle, it shall be done only with the knowledge and clearance of the Communications Center. Field personnel shall not take breaks "on the air." The Communications Center must be notified of a location when employees are on break.

## **Lactation Break Policy**

### **1035.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

### **1035.2 POLICY**

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

### **1035.3 LACTATION BREAK TIME**

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### **1035.4 PRIVATE LOCATION**

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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#### **1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

## Time Sheets

### **1036.1 PURPOSE AND SCOPE**

Time sheets are submitted to Financial Services on a weekly basis to ensure the payment of wages.

#### **1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME SHEETS**

Patrol Services - The Watch Commander is responsible for the completion of time sheets to document time worked by employees working patrol services. The day shift Watch Commander should forward the time sheets to Financial Services no later than 1200 hours each Friday.

Non-Patrol Services - The supervisor or manager of each work group outside of patrol services is responsible for the completion of time sheets for the employees in his/her work group. The supervisor or manager should forward time sheets to Financial Services no later than 1700 hours each Thursday.

#### **1036.1.2 ACCURACY OF TIME SHEETS**

Time sheets should accurately indicate hours worked by employees each workday, including the time work began, and the time work ended. If employees are flexed from his/her normal work schedule to a different workday or schedule, the time sheet should indicate the accurate date and time worked.

## Leave Requests

### **1037.1 PURPOSE AND SCOPE**

To establish a policy for requesting and scheduling voluntary leave, work exchange or changes, and cancellations of scheduled vacation for the Patrol Division.

### **1037.2 LEAVE REQUEST FORM**

The Leave Request form will be used for all requests for annual leave, vacation, compensatory time, work exchanges, and requests to change a pre-approved leave. It is incumbent upon the employee to ensure that he/she has sufficient leave time available prior to requesting the time off.

### **1037.3 LEAVE REQUESTS AT SHIFT SELECTION**

During patrol shift selection as outlined in Policy Manual § 1004.5 and § 1004.7, employees will have an opportunity to submit leave requests for the upcoming deployment period.

This notification will be distributed by email and will include a deadline and the procedure by which leave requests will be submitted and processed.

### **1037.4 LEAVE REQUESTS WITHIN THE DEPLOYMENT PERIOD**

Following the leave request deadline during shift selection, all requests for annual leave, vacation, or compensatory time will be governed by the Patrol Shift Guidelines for that deployment period.

### **1037.5 WORK EXCHANGE (TRADE)**

Work exchange or trade requests will be submitted on a Leave Request form with the signature of each employee involved.

It is the responsibility of the requesting employee to ensure that his/her shift is staffed.

### **1037.6 REQUESTS TO CHANGE OR ADD VACATION**

Request to modify or cancel vacation must be submitted on a Leave Request form.

### **1037.7 PROCESSING THE LEAVE REQUEST FORM**

Leave requests will be returned to the employee after a supervisor's approval or disapproval is noted on the form. Requests that have been denied, in full or in part, will be accompanied with a reason.

## Overtime Payment Requests

### **1038.1 PURPOSE AND SCOPE**

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

#### **1038.1.1 DEPARTMENT POLICY**

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

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 480 hours of compensatory time.

### **1038.2 REQUEST FOR OVERTIME PAYMENT FORMS**

Employees shall submit all Daily Overtime Forms (also referred to as "overtime cards") for verification by his/her immediate supervisor when possible, and then forward the form to Financial Services as soon as practical. Employees should use only one overtime form per day whenever possible so supervisors can check for the possibility of any overlapping hours from other overtime or with the employee's regular hours. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

#### **1038.2.1 EMPLOYEES RESPONSIBILITY**

Employees working outside of his/her normal shift are required to complete one Daily Overtime form in order to be properly compensated for his/her work. Employees shall submit overtime claims immediately after working the overtime, and turn the form into his/her immediate supervisor, or the appropriate overtime detail supervisor, for approval. Sergeants and civilian supervisors working overtime shall submit the overtime form to his/her commander/manager in adherence to the chain of command. Employees submitting overtime cards for on-call pay when off-duty shall submit overtime forms to his/her supervisor or the Watch Commander the first day after returning to work. Employees are required to receive advance approval from a supervisor before working overtime.

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#### **1038.2.2 SUPERVISORS RESPONSIBILITY**

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

#### **1038.2.3 BUREAU CHIEFS RESPONSIBILITY**

Bureau Chiefs, after approving payment, will then forward the form to the Chief of Police for review.

#### **1038.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., four hours for Court, etc.). The supervisor will enter the actual time worked.

##### **1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR**

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

| <u>TIME WORKED</u> | <u>INDICATE ON CARD</u> |
|--------------------|-------------------------|
| 1 to 15 minutes    | .25 hour                |
| 16 to 30 minutes   | .50 hour                |
| 31 to 45 minutes   | .75 hour                |
| 46 to 60 minutes   | 1 hour                  |

##### **1038.3.2 VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

##### **1038.3.3 OVERTIME COMPENSATION**

- (a) Two types of compensation are available for overtime work.
  1. Compensatory time off at the currently approved overtime rate.
  2. Hourly pay fixed at the currently approved overtime rate.
- (b) Compensation for work after the normal or assigned duty hours will not be approved except as follows:
  1. The unit supervisor or on-duty Watch Commander has given advance approval.
  2. Such approval will be predicated on a review by the supervisor or Watch Commander of the circumstances justifying the overtime.
  3. The supervisor or Watch Commanders is satisfied that the overtime is reasonable and necessary by that the employee had inadequate time to complete the work during normal duty hours
  4. That the work must be completed prior to the next working day.
- (c) If an employee has been called out, all associated work and/or reports shall be completed prior to leaving if it is within the first two hours of the call out. If the call out goes beyond two hours, any associated work and/or reports that may be held over, can be completed at a later time.

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#### **1038.3.4 COURT OVERTIME**

All court overtime shall be recorded appropriately on one Daily Overtime form when possible, and is detailed in Policy Manual § 348.8.

#### **1038.3.5 TRAINING ACTIVITIES**

- (a) Training that is subject to compensation will be as follows:
  - 1. Training sessions assigned, in advance, in writing, to specific personnel during his/her off-duty time.
  - 2. Training that is required by law or ordinance.
- (b) The following training will not be subject to compensation except if such activities may be assigned during regular working hours. Assignments during duty hours must be approved in advance in writing.
  - 1. Attendance at universities or colleges when college unit credit or POST recognition is provided.
  - 2. Voluntary participation in training activities.

#### **1038.3.6 SPECIAL ACTIVITIES**

- (a) As in the case of training, certain special activities must be viewed as reward in themselves, since they serve the goals of the department and broaden the individual employee.
- (b) Unless specifically required by the department and approval for compensation is given in advance, participation in special activities will not be subject to overtime compensation.
- (c) Activities assigned during regular duty hours are exempted providing that approval is obtained in advance. The following are examples of special activities:
  - 1. Membership in scouting, church, school, or service groups, clubs, or organizations and his/her activities.
  - 2. Teaching assignments not required by the department.
  - 3. Public appearances not assigned during duty hours or specifically assigned in advance, in writing. This includes speeches, appearances on panel discussions, or other similar activities.
  - 4. Participation in outside activities, whether department sponsored or not, wherein advance approval for overtime compensation has not been given in writing.
  - 5. Any incident not of an emergency nature and requiring overtime that has not been covered by this order, must receive prior written approval in the chief's office. When reference is made to "advance approval in writing," such approval may be made verbally under urgent conditions, but must be followed by written authorization prior to recording the overtime for pay.

#### **1038.4 STANDBY PAY**

Standby status will be compensated at the currently approved rate and will require personnel to be available without delay to respond to the police station or to an emergency site as soon as possible.

- (a) Employees placed in the standby status need not remain in a specific location or within a specific distance of the police station.

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- (b) Employees must provide the Watch Commander or his/her supervisor with a contact number.
- (c) An employee will not be placed on a standby status from the time he/she is off on any type of leave status (i.e. vacation, comp., sick, injury, military, etc.).
  - 1. Due to operational necessity, the division commander may approve standby for personnel in a leave status provided the employee is available without delay to respond to the police station or to an emergency site
- (d) An employee may be placed on a standby status when he/she reports back to work after a leave status.

Employees shall submit all overtime payment requests to his/her immediate supervisor and then forward the form to Financial Services as soon as practical. Failure to submit a request for overtime in a timely manner may result in a denial of compensation.

## Outside Employment

### 1040.1 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.

#### 1040.1.1 DEFINITIONS

**Outside Employment** - Any employee 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 employee 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.

### 1040.2 OBTAINING APPROVAL

No employee 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 Other Than City Employment form, which shall be submitted to the Personnel and Training Sergeant. The application will then be forwarded to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved form. Unless otherwise indicated in writing, permission will be valid through the end of the calendar year.

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)).

#### 1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Other Than City Employment form is denied or revoked 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 or revocation.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the employee's current Memorandum of Understanding (MOU).

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#### **1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT**

Any outside employment may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at the 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/her discretion, revoke any previously approved outside employment. That revocation will stand until the employee's performance has been re-established at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment.
- (b) Suspension or revocation of previously approved outside employment may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of valid outside employment, an employee's conduct or outside employment conflicts with the provisions of department policy, the outside employment 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 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.

#### **1040.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Other Than City Employment form 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.

#### **1040.3.1 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.

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- (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.

#### **1040.3.2 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.

#### **1040.3.3 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Investigative Services 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.

#### **1040.4 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.

##### **1040.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that his/her personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308 and Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of outside employment. If, after approving a request for outside employment, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her outside employment may be revoked pursuant to Policy Manual § 1040.2.2(c).

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#### **1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his/her outside employment, the employee shall promptly submit written notification of such termination to the Personnel and Training Sergeant. 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 Personnel and Training Sergeant 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.

#### **1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department employees out on industrial leave are prohibited from engaging in outside employment per City Rules and Regulations.

Employees out because of non-industrial injuries or who are placed on modified duty shall inform the Personnel and Training Sergeant in writing within five days whether or not he/she intends to continue to engage outside employment. The Personnel and Training Sergeant 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 the Personnel and Training Sergeant of his/her intentions regarding outside employment, a notice of revocation will be forwarded to the involved employee, and a copy attached to the original Other Than City Employment form.

Criteria for revoking outside employment include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the injured employee.
- (b) The outside employment requires the same or similar physical ability to perform the function of the employee's current position.
- (c) The employee's failure to make timely notice of his/her intentions to the Personnel and Training Sergeant.

When the employee returns to full-duty with the Oxnard Police Department, a request in writing may be made to the Chief of Police to restore outside employment.

## **Industrial Injuries**

### **1042.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths, and to ensure proper medical attention is received and the circumstance of the incident is documented.

### **1042.2 WORKER'S COMPENSATION FUND REPORTS**

#### **1042.2.1 INJURIES REQUIRING MEDICAL CARE**

All work related injuries and work related illnesses requiring medical care must be reported to the Workers' Compensation Manager and an injury report packet shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

#### **1042.2.2 ACCIDENT DEFINED**

**Accident** - Any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

#### **1042.2.3 EMPLOYEE'S RESPONSIBILITY**

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty shall be required to comply with the directives contained in the memorandum from the Personnel and Training Sergeant in the injury report packet.

When appropriate, an employee being treated for an industrial injury should inform the attending physician that a modified duty assignment may be available at the Department. Modified duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee, or an employee who has suffered a work-related illness, shall report as soon as practical to the Personnel and Training Sergeant the medical findings concerning the injury and the extent and duration of any work restrictions. In addition, employees are required to promptly submit all medical releases, whether partial or full releases, to the Personnel and Training Sergeant.

#### **1042.2.4 SUPERVISOR'S RESPONSIBILITY**

A supervisor learning of any work-related injury or accident shall promptly prepare the appropriate forms. Updated copies of forms with instructions are maintained by

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the Personnel and Training Sergeant. When a work-related illness or injury requires professional medical care, a Workers' Compensation Injury Report packet shall be completed. For work-related accidents or injuries not requiring professional medical care, a Reporting Only/First Aid Only report shall be completed. This form shall be reviewed and signed by a supervisor. All copies of the completed forms shall be forwarded to the Personnel and Training Sergeant. Copies of any reports documenting the accident or injury should be forwarded to the appropriate bureau chief as soon as they are completed.

The supervisor will notify the on-duty Watch Commander should an unsafe condition exist which may have caused the injury and/or could cause future injuries. The Watch Commander or designee will take appropriate action(s) or make the appropriate notification(s) to correct or eliminate the unsafe condition and/or restrict access to the unsafe location.

#### **1042.2.5 COMMANDER/MANAGER RESPONSIBILITY**

The commander/manager receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the bureau chief.

#### **1042.2.6 BUREAU CHIEF RESPONSIBILITY**

The appropriate bureau chief shall review and forward copies of the report to the Workers' Compensation Manager via the Personnel and Training Sergeant.

#### **1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION**

Work-related injuries and illnesses not requiring medical attention shall be recorded on a Reporting Only/First Aid Only form. This form shall be completed and signed by a supervisor. This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

#### **1042.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

##### **1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

##### **1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an industrial injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or

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injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

## **Personal Appearance Standards**

### **1044.1 PURPOSE AND SCOPE**

In order to project uniformity and neutrality toward the public and other employees of the Department, employees shall maintain his/her personal hygiene and appearance to project a professional image appropriate for this department and for his/her assignment.

### **1044.2 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.

#### **1044.2.1 HAIR**

Hairstyles of all members shall be neat in appearance. For all male employees, 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 patch when the employee is standing erect and worn up or in a tightly wrapped braid or ponytail while on-duty.

#### **1044.2.2 MUSTACHES**

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

#### **1044.2.3 SIDEBURNS**

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

#### **1044.2.4 FACIAL HAIR**

Facial hair other than sideburns, mustaches, and eyebrows shall not be worn unless authorized by the Chief of Police or his/her designee.

#### **1044.2.5 FINGERNAILS**

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

#### **1044.2.6 JEWELRY AND ACCESSORIES**

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Only one ring may be worn on each hand of the employee while on-duty.

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#### **1044.3 TATTOOS**

While on duty or representing the department in any official capacity, no employee shall display any visible tattoos, body art, or branding that is offensive, obscene, racial, sexual, discriminatory, gang-related, or inappropriate.

Tattoos, body art, or branding above the collar of a t-shirt or below the wrists are prohibited other than a single finger that would normally display a wedding, promise or engagement ring. Visible tattoos that cover more than 25% of the exposed area while wearing a short sleeve uniform shirt or uniform shorts must be covered with a skin colored sleeve, a long sleeve shirt, or pants as directed by the Chief of Police.

The Chief of Police will make the determination as to what is deemed excessive, offensive, obscene, racial, sexual, discriminatory, gang related, or inappropriate. Tattoos, body art, or branding that is deemed inappropriate or is questionable and has been allowed to be displayed by the Chief of Police will be documented in a memorandum from the Chief to the officer's personnel file.

#### **1044.4 BODY PIERCING OR ALTERATION**

Except for a female officer wearing a single stud pierced earring worn in the lobe of each ear, 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.

#### **1044.5 MISCELLANEOUS**

While on-duty or representing the Oxnard Police Department in any official capacity, no employee shall display the following:

- (a) Brand.
- (b) Intentional scarring.
- (c) Mutilation.
- (d) Dental ornamentation to include the use of gold, platinum, silver, or other veneer caps. Teeth, whether natural, capped, or veneered, shall not be ornamented with designs, jewels, initials, etc.

Any current employee on-duty or representing the Oxnard Police Department with more than 25% of the exposed or displayed skin with existing body art, tattoo(s), brand(s), intentional scarring, piercing, or mutilation that is visible shall have the following options:

- (a) Have the tattoo(s) or brand(s) removed at the employee's expense.
- (b) Wear a skin-colored sleeve, a long-sleeve uniform shirt, and/or uniform pants as directed by the Chief of Police.

## Uniform Regulations

### **1046.1 PURPOSE AND SCOPE**

To establish a standard for attire worn by employees of the Oxnard Police Department. All personnel will present a professional and standardized appearance at all times while on-duty, unless the nature of an assignment requires otherwise, as authorized by the Chief of Police.

### **1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT**

Police employees wear the uniform in order to be identified as the law enforcement authority within society. The uniform also serves an equally important purpose, which is 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 officers shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the criteria set forth in the Department's Uniform and Equipment Specifications that are maintained separately from this policy by the Personnel and Training Unit.
- (e) All supervisors will perform periodic inspections of his/her 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.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform which may identify him/her to the public as an employee of the Oxnard Police Department.
- (j) Mirrored/reflectorized sunglasses will not be worn with any department uniform. Sunglasses shall be conservative in styling, shape and colored black or dark grey. The lens color will likewise be black, or grey. Manufacture markings are allowed if conservative. No gaudy ornamentation such as rhinestones, skulls and cross bones, etc is allowed. Eyeglass cords and chains will be dark in color and will not be excessively long. Adjustable cords/chains using beads or clips are unacceptable.
- (k) Department-issued body armor shall be worn in accordance with Policy Manual § 1024.
- (l) Any deviation from this policy must be approved by the Chief of Police.

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#### **1046.2.1 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 his/her 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 his/her 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 his/her supervisor.

#### **1046.3 UNIFORM CLASSES**

##### **1046.3.1 CLASS A UNIFORM (SEE ATTACHMENT A-PHOTO #1)**

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, including:

- (a) Standard issued uniform pants.
- (b) Standard issued long sleeve uniform shirt.
  - 1. Badge and nameplate will be displayed on the outermost garment. The nameplate will be worn as described in section 1046.32 below.
  - 2. Silver nameplate and "P" buttons.
  - 3. Nameplate and "P" buttons will be gold for the rank of sergeant and higher.
- (c) Black clip-on tie with silver tie bar.
- (d) Gold tie bar for the rank of sergeant and above. Tie bars will be worn so that the top edge of the tie bar is even with the top edge of the shirt pocket flaps (see Attachment A-Photo #2).
- (e) Service stripes and pins shall be worn as described below.
- (f) "Sam Browne" black leather basket weave or lightweight black leather basket weave belt with silver buckle, with duty equipment carried in the appropriate holders. Traditional equipment for the Class A belt, for ceremonies, is the duty belt, holster with sidearm, ammo pouch with magazines, handcuff case with handcuffs, belt keepers, and baton carrier, with no baton.
- (g) Black shined leather or Corfam footwear. Black or dark blue socks.
- (h) Standard issue cover with hat piece, chinstrap, and screw-in "P" buttons. The covers will have the following accessories:
  - 1. Covers for the Chief of Police will also have a gold-colored "Oak Leaf and Acorn" design on the cover's bill.
  - 2. Covers for assistant chiefs will have a gold-colored velour chinstrap and gold "P" buttons.
  - 3. Covers for sergeants and commanders will have gold metal chinstraps and "P" buttons.
  - 4. Covers for senior officers and below will have silver chinstraps and "P" buttons.
  - 5. Covers will have the standard hat piece, denoting the wearers rank. The hat piece will be gold for sergeants and above and silver for all others.

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6. Covers will be worn so there is no noticeable tilt to the sides or back. The base of the cover should be parallel to the ground (see Attachment A-Photos #3 and 4).
  - (i) Command Staff (Commander and higher) may wear a navy blue "Eisenhower" jacket with sleeve insignia.
  - (j) Service Stripes shall be gold in color and worn on the left sleeve of all long-sleeve shirts. Each service stripe "hash mark" represents four-years of sworn California law enforcement service. A "hash mark" may be worn 6-months before each fourth year anniversary (see Attachment A-Photo #5).
  - (k) All equipment, accessories and shoes will be neat, clean, well shined, and in excellent condition. Shoes will be in excellent repair and polished to a high gloss.
  - (l) For members of the Honor Guard, the wearing of the blue-felt campaign hat is authorized in lieu of the standard cover. The standard cover or Honor Guard hat piece is required. For all members of the Honor Guard, the braided-cord will be gold colored. The campaign hat will be secured to the head with a neck strap worn to the rear of the wearer's head, with the silver buckle centered on the wearer's head.
  - (m) For Academy Staff Officers, the wearing of the blue-felt campaign hat is authorized in lieu of the standard cover. The standard cover hat piece is required. If the wearer is a sergeant and above, the braided-cord will be gold colored. Otherwise, the braided-cord will be silver. The campaign hat will be secured to the head with a neck strap worn to the rear of the wearer's head, with the silver buckle centered on the wearer's head.
  - (n) For members of the Honor Guard, Rifle Team, or Traffic Unit, the standard necktie may be replaced by a white or black neck scarf, for certain ceremonial functions, as directed by the Chief of Police or his/her designee (see Attachment A-Photo #6). Honor guard members may also wear the appropriate braided cords and aiguillettes as directed by the Honor Guard Commander (see Attachment A-Photo #7).

#### **1046.3.2 CLASS B UNIFORM (SEE ATTACHMENT A-PHOTO #8)**

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 certain exceptions).

- (a) Standard issued uniform pants.
- (b) Standard issued long or short sleeve uniform shirt (officer's option) with open collar.
- (c) Badge and nameplate will be displayed on the outermost garment. The nameplate will be fixed on the right breast pocket flap, centered left to right on the pocket flap, with the top edge of the nameplate even with the top edge of the pocket flap (see Attachment A-Photo #9).
- (d) White undershirt with crew (round neck) collar. T-shirts with worn, torn, discolored, or sagging necklines will be replaced as unserviceable.
- (e) With the long sleeved uniform, a black authorized brand turtleneck or mock turtleneck long sleeve or dickey undershirt may be worn. The garment will not have any markings.
- (f) "Sam Browne" black leather basket weave or lightweight black leather basket weave belt with silver buckle, with duty equipment carried in the appropriate holders.
- (g) Socks worn with uniforms are primarily black or dark blue in color. If the wearer is wearing high-topped boots, which are at least 8-inches tall, the wearer may wear

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white socks. Footwear may be the oxford type or chukka-type plain-toed shoe, or taller-length boot. For all footwear, the footwear must be highly shined. If boot-type footwear is worn, the toe may have a cap as long as the cap is not visibly stitched with leather ornamentation, such as the "paratrooper" boot made by Corcoran®.

- (h) Specialty/Service Pins must be approved by the Chief of Police.
  - 1. The following pins are authorized to be worn on the right pocket flap by officers by virtue of award, or membership in selected units: Medal of Honor, Medal of Valor, SWAT, Motors, Public Safety Dive Team, CIT, Hostage Negotiator, 10851, Mounted Unit, FTO, City of Oxnard Longevity Pin.
  - 2. Any single pin will be worn to the left of the nameplate, centered between the left edge of the pocket flap and the left edge of the nameplate, with the top edge of the pin even with the top edge of the pocket flap (see Attachment A-Photo #10). For the Mounted Unit Pin, it will be worn centered on the right pocket flap between the bottom edge of the nameplate and the top edge of the 'P' button.
  - 3. If two pins are worn, the second pin will be worn to the right of the nameplate, centered between the right edge of the pocket flap and the right edge of the name plate, with the top edge of the pin even with the top edge of the pocket flap (see Attachment A-Photo #10). If one of the pins is the Mounted Unit Pin, the first pin will be worn to the right of the nameplate as mentioned above, and the Mounted Unit Pin will be worn centered on the right pocket flap between the bottom edge of the nameplate and the top edge of the 'P' Button.
- (i) Only three types of pins may be worn on the left pocket flap. Only one pin may be worn at a time. The devices and appropriate wear are:
  - 1. Purple Heart. If awarded, the Purple Heart may be worn on the left pocket flap, centered left to right on the pocket flap, with the top edge of the pin even with the top edge of the pocket flap.
  - 2. American flag. The American flag may be worn on the left pocket flap, centered left to right on the pocket flap, with the top edge of the pin even with the top edge of the pocket flap (see Attachment A-Photo #12).
- (j) Officers working patrol may wear the standard cover, or the blue felt or blue straw campaign hat for police duties. The standard cover hat piece is required. For the campaign hat, if the wearer is a sergeant and above, the braided cord will be gold colored. Otherwise, the braided cord will be silver. The campaign hat will be secured to the head with a neck strap worn to the rear of the wearer's head, with the silver buckle centered on the back of the wearer's head. If the blue felt or straw hat is to be worn during inclement weather, it shall be worn with the clear plastic hat cover to prevent damage to the hat. If the hat becomes damaged for any reason causing it to have a droopy or unprofessional in appearance, the hat may no longer be worn and must be replaced at the officer's expense. The appearance standard by which the hat can no longer be worn will be determined by the employee's supervisor or any command staff member.

Note: For the class A uniform, Honor Guard, and academy staff members, Policy Manual § 1046.3.1 (l) and (m) are still applicable and unchanged for use of the blue felt campaign hat.

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#### **1046.3.3 SPECIALIZED UNIT UNIFORMS**

The Chief of Police may authorize special uniforms to be worn by officers in specialized units or assignments. Uniform specifications will be maintained in the unit manual for each of the specialized units.

The standard soft uniform is the tan pant and black polo shirt as described in Uniform and Equipment Specifications, with the wearer's first initial and last name on the right chest, and the words "Oxnard Police" on the left chest, embroidered in gold writing. No other ornamentation is allowed. In cases where the user is not wearing a tactical outer-cover showing a badge, the wearer shall display his/her police badge if displaying a weapon.

#### **1046.3.4 FOUL WEATHER GEAR**

- (a) The standard issue uniform jacket may be worn with Class "A" or Class "B" uniforms. Bike patrol jackets or other "special detail" jackets shall only be worn when assigned to that detail or as otherwise authorized by the Chief of Police or his/her designee.
- (b) Rain gear may be worn during inclement weather along with black rain boots if desired.
- (c) Black rain gear will be issued for inclement weather wear by police officers. Other types of black rain gear may be purchased as an option, at the officer's own expense. The authorized brands of optional rain gear are listed in the Department's Uniform and Equipment Specifications. The black rain gear worn by officers shall have a black embroidered name tape with yellow writing, cloth badge, and shoulder patches permanently affixed to the jacket. The gear shall have no additional insignia or markings.
- (d) Officers needing replacement inclement weather gear due to excessive wear and tear will have the items issued only with the approval of the officer's immediate supervisor.
- (e) The Department approved baseball cap and beanies will be black in color with silver lettering, which reads, "Oxnard Police Department." The make and style of the baseball cap and beanies will be of high quality, and will be approved by the Chief of Police.
- (f) The Department approved baseball cap may be worn by uniformed personnel during rainy weather. For protection from the sun, uniformed personnel should wear the soft cap or campaign hat. An exception will be for officers who may wear the Department approved baseball cap during incidents that require lengthy exposure to the sun. Use during festivals/events must be preauthorized. Use of the Department approved baseball cap with approved soft uniforms is subject to the approval of the commander for that unit.
- (g) The Department approved baseball cap may be worn by non-uniformed officers during callouts, when worn in conjunction with other Department approved apparel designating the wearer as a police employee.
- (h) The beanie may be worn when the temperature drops to 49 degrees or below, or as authorized by the Watch Commander. The beanie may only be worn in conjunction with a department issued jacket.
- (i) Both the hat and beanie will be provided by the Department to those officers who want them, and must be kept in a clean, presentable condition. Only that head wear issued by the Department is approved. If a commander determines that a baseball cap or beanie is no longer suitable for wear, the officer will return the cap or beanie to the Special Services CSO for a new one.
- (j) The Department approved baseball cap and beanies are not to be worn off-duty.

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- (k) No pins, adornments, or other modifications may be made to the Department approved baseball cap or beanies. Caps and beanies will be worn with the lettering and bill of the cap facing forward. They will be worn in a professional manner and will not be worn up high, or pulled down below the top of the eyebrows.

#### **1046.3.5 POLICE SERVICE OFFICER**

- (a) Standard issue long or short sleeve uniform shirt.
- (b) Standard issue uniform pants .
- (c) Standard issue uniform jacket.
- (d) Black clip-on tie with silver tie bar.
- (e) Black basket weave belt.
- (f) Service badge.
- (g) Nameplate worn as described in section 1046.32 above.

#### **1046.3.6 BICYCLE PATROL OFFICERS**

- (a) Black supplex and nylon lycra shorts.
- (b) Black supplex training pants.
- (c) Black supplex/polar fleece jacket with lining, shoulder patches, and embroidered badge/name.
- (d) Black polo-type knit shirt with banded sleeves. Shirts will be affixed with shoulder patches, a soft badge, and the officer's name at the right breast area. "Police" shall be marked in white across the upper back.
- (e) Black, short (ankle) socks shall be worn when wearing shorts, and black, long (calf) socks shall be worn when wearing pants.
- (f) Solid black athletic shoes or approved cycling shoes.

#### **1046.3.7 COMMUNICATIONS/RECORDS PERSONNEL**

- (a) Black acrylic sweater (female).
- (b) Standard issue uniform jacket, no shoulder patches.
- (c) Standard issue short or long-sleeved light blue shirt with shoulder patches.
- (d) White undershirt with crew (round neck) collar. T-shirts with worn, torn, discolored, or sagging necklines will be replaced as unserviceable.
- (e) Standard issue uniform pants.
- (f) Standard issue navy blue skirt (females).
- (g) Silver nameplate.
- (h) Service badge.
- (i) Communications Supervisor personnel (PSD III) shall wear navy blue shirts with shoulder patches.
- (j) For Class A functions, the employee will wear the long sleeved shirt and a black, pre-tied or crossover (females) or 2 " wide necktie with silver tie bar (males).

#### **1046.4 INSIGNIA AND PATCHES**

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, one inch below

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the shoulder seam of the shirt and centered on the sleeve. If the "Honor Guard" Tab is worn, the tab shall be one inch below the shoulder seam of the shirt and centered on the sleeve, and the departmental shoulder patch shall be placed flush below the bottom of the Honor Guard Tab (see Attachment A-Photo #13).

- (b) Service Stripes - Service stripes shall be gold in color and worn on the left sleeve of all long sleeved shirts. Each service stripe indicates four years of California law enforcement service, and may be worn six months prior to each fourth year anniversary. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn one and one-half inches above the cuff seam centered on the sleeve. The stripe(s) will be at a 30-degree angle. The stripes are to be worn on the left sleeve only (see Attachment A-Photo #5).
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth name tape, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The writing on the nameplate will be black. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn as described in section 1046.32 above.
- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth name tape shall be worn. The nameplate shall be worn as described in section 1046.32 above. If a name tape is worn, it will be machine stitched above the right pocket flap, with the name tape sewn on the garment as wide as the pocket flap, with the employee's first initial and last name embroidered in yellow on the black name tape, centered, to the left and right on the name tape (see Attachment A-Photo #15).
- (e) Badge - The department issued badge, or an authorized sewn-on cloth badge, must be worn and visible at all times while in uniform.
- (f) 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. The rank insignia for senior officers and sergeants shall be in the form of gold chevrons with black edging, machine stitched onto the sleeves of the uniform shirt and jacket. The stripe will be sewn below the department patch, and centered on the sleeve (see Attachment A-Photo #15).
  - 1. The rank insignia of Commanders and above will be in the form for 5-pointed stars, 1-for Commander, 3-for Assistant Chief, and 4-for the Chief of Police. The multiple-stars are worn vertically on each collar, and the top points of the stars are toward the wearer's throat. The bottom tip of the bottom star will be 1" from the leading edge of the collar. The stars will be evenly spaced (centered) between the inner edge of the collar and the outer edge of the collar (see Attachment A-Photos #16 and 17). For Commanders, the star will be worn approximately one inch up from the bottom of the collar, and one inch in from the outside edge of the collar.
  - 2. Field Training Officers will wear a single gold chevron on their uniform in order to designate their position. The wearing of the chevron will be consistent with the rank of sergeant and senior officer as outlined above.
- (g) Traffic "Flying Arrow/Wheel" Patch - (see Attachment A-Photo #18).
  - 1. Traffic patches will be worn on the shirt or cloth jacket sleeves. The wheel portion of the patch will be one inch below the department patch. If the patches are accompanied by chevron stripes, the stripes will be below the department shoulder patch as described in Policy Manual § 1046.4 (h) above, the traffic patch will be one inch below the chevron. If on short-sleeved shirts the chevron stripes and traffic patch cannot fit, the traffic patch may be left off the shirt. No

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department shoulder patches, chevron stripes, or traffic patches shall be sewn on the issued leather jacket. Traffic Officers may also wear the issued whistle chain and whistle.

#### **1046.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to the function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean, and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative, and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits, which are moderate in style.
- (d) Civilian female personnel required to wear a uniform will have the option to wear their hair down as long as it is professional in appearance. Civilian female personnel shall wear a crew neck T-shirt under their uniform.
- (e) The following items shall not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals or thongs.
  - 3. Swimsuit, tube tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful or unauthorized printed slogans, buttons, or pins.
- (f) Variations from this order are allowed at the discretion of the Chief of Police or his/her designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (g) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Oxnard Police Department or the morale of the employees.

#### **1046.6 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 (Policy Manual § 700).

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#### **1046.6.1 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 Oxnard Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Oxnard Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

#### **1046.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Oxnard 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.

Oxnard 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.

#### **1046.8 MOURNING BANDS (SEE ATTACHMENT A-PHOTO #19)**

The Watch Commander or Chief of Police may direct officers and uniformed civilian employees to wear mourning bands on his/her badge in the following situations:

- (a) Any on-duty or line of duty death of a peace officer from San Luis Obispo County south to San Diego County.
- (b) Any line of duty death of a peace officer in the State of California or another state as directed by the Chief of Police.

Officers and uniformed civilian employees shall wear a black cloth band horizontally across the center of their badge from the time he/she is directed by the Watch Commander or Chief, until 1700 hours on the day of the funeral. Wearing of the mourning band is not optional and shall include officers who wear a badge that is displayed whether he/she is in uniform or not. Personnel will not wear a mourning band without first being directed to do so by the Watch Commander or the Chief.

## Police Explorers

### 1048.1 PURPOSE AND SCOPE

- (a) The Oxnard Police Department Explorer Program is designed to give young adults the opportunity to learn about the field of law enforcement.
- (b) This policy will describe the requirements for application into the Explorer Program with the Oxnard Police Department as well as establish uniform standard operating procedures for the Post.

### 1048.2 METHOD

The basic unit of the program is the Post.

- (a) The Post will have at least one advisor and one associate advisor, with the advisor being a sworn officer from the Oxnard Police Department.
- (b) The Explorer Advisory staff shall include a member of each gender.
- (c) The number of advisors is dependent on the total enrollment of the Post.

#### Membership Requirements

- (a) Law enforcement exploring is a worksite-based program for young men and women who have completed the eighth grade and are 14 years of age, or are 15 years of age but have not yet reached their 21st birthday.
- (b) Possess and maintain at least a 2.0 grade point average while attending school.
- (c) Be free of any disability that may jeopardize anyone participating in the program.
- (d) Pass an oral, a written, and a physical fitness test.
- (e) Applicants may not have any serious criminal history, and must pass a thorough background investigation completed by a member of the Explorer Advisor staff.

### 1048.3 OPERATION

The Standard Operating Procedure of the Oxnard Police Explorer Post #9286 is set forth in its Policy and Procedures Manual, Sections III through VII. Some significant directives are:

#### 1048.3.1 RANKS

The descending order of rank in the Explorer Post is as follows:

- (a) Explorer Captain.
- (b) Explorer Lieutenant.
- (c) Explorer Sergeant.
- (d) Senior Explorer.
- (e) Explorer.

#### 1048.3.2 RULES AND REGULATIONS

While on-duty or off-duty, as dictated by the Oxnard Police Department Policy Manual, all Explorers shall be governed by the following rules and regulations:

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- (a) Devote his/her time and attention to the service of the city of Oxnard and the Police Department.
- (b) Direct and coordinate his/her efforts in a manner that will establish and maintain the highest standards of efficiency.
- (c) Maintain a professional image and act together to assist each other.
- (d) Serve the department with loyalty and discretion.

Any rule, regulation, or policy governing the Department and not in this manual, shall also be deemed a portion of this manual, if applicable.

#### **1048.3.3 DISCIPLINARY ACTIONS**

Any violation of the rules within this manual may subject the Explorer to disciplinary action. Discipline may be dispensed in one of the following manners by the "Disciplinary Board":

- (a) Oral reprimand and/or counseling.
- (b) Written reprimand.
- (c) A probationary period.
- (d) Removal from office.
- (e) Suspension.
- (f) Dismissal from Post.

The "Disciplinary Board" will consist of the uninvolved Post Advisor, an Associate Advisor and two of the highest ranking non involved Explorers.

If discipline is imposed, nothing in this section shall limit or prohibit the Explorer disciplined from appealing the findings of the imposed discipline.

The appeal shall be in writing and submitted to the Explorer Post Sergeant.

#### **1048.3.4 JOB ORIENTED ACTIVITIES**

Job-oriented activities are intended to familiarize explorers with the nature and complexity of law enforcement.

These activities are to be nonhazardous in nature and may include, but are not limited to, the following:

- (a) Crime prevention activities.
- (b) Assist with crowd and traffic control at parades, festivals, and other events.
- (c) Participate in color guard at civic events.
- (d) Participate as observers during ride-alongs.
- (e) Assist with crime scene or missing person searches.
- (f) Assist desk personnel.
- (g) Assist station personnel with filing.
- (h) Community Service Programs.

#### **1048.3.5 COMMUNICATION WITH PRISONERS**

Explorers are prohibited from communicating with persons in custody.

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# Oxnard Police Department

## Policy Manual

### *Police Explorers*

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#### **1048.3.6 PRIVILEGED INFORMATION**

- (a) There will be no unauthorized use by explorers of any department files, teletype systems, or wanted persons flyers.
- (b) Explorers will be assigned to the permitted activities on the basis of his/her training, ability, experience, and maturity.
- (c) It is the Explorer Lieutenant's responsibility, or the highest ranking explorer, not to assign an explorer to any duty for which they are not prepared.
- (d) The Post Advisor will have final authority over any assignment of explorers.

#### **1048.4 RIDE-ALONGS**

- (a) Only explorers who have attended and completed the Explorer Academy will be allowed to ride along.
- (b) Ride-alongs are a privilege and not a right. This privilege may be terminated at any time.
- (c) Explorer dress will be Class "B" uniform unless otherwise dictated.
- (d) Explorers must have ten (10) hours of community service time for each ride-along per calendar month.
- (e) An explorer must ride at least three (3) times per year, and no more than twice per calendar month.
- (f) Explorers are to notify the Watch Commander via the Explorer Advisor and obtain permission prior to each ride-along.
- (g) Explorers shall not become actively involved in the arrest or physical control of a suspect or other person.
- (h) Explorers shall remain in the police car at all times unless instructed otherwise by the officer.
- (i) Explorers shall not operate any unit equipment unless directed to do so by the officer.
- (j) The policy manual is not all inclusive of the policies and procedures of Post #9286, and all inquiries shall be made to the Post Policy and Procedure manual.
- (k) Explorers under the age of 18 may ride with parental consent until 0000 hours.
- (l) The Oxnard Police Department Explorer Post shall be in compliance with the Boy Scouts of America, Learning for Life Ride-Along certification program, and shall be in compliance with all rules and regulations.
- (m) Explorers shall wear a bullet proof vest at all times, and shall also possess a traffic safety vest, a flashlight, and his/her identification card.

## Academy Instructors

### **1049.1 PURPOSE AND SCOPE**

To create a process to select instructors for the Ventura County Criminal Justice Training Center.

### **1049.2 METHOD**

Officers from the Oxnard Police Department are at times requested to teach classes at the regular police academy by the Ventura County Sheriff's Department. The following will outline the process and chain of command for academy instructors:

- (a) All instructors will be chosen and supervised through the Professional Standards Division. The Professional Standards Commander will manage the program, and the Personnel and Training Sergeant will liaison with the academy and the instructors.
- (b) The selection process and length of assignment shall be consistent with Policy Manual § 1003.

## **Nepotism and Conflicting Relationships**

### **1050.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline, and workplace safety and security.

#### **1050.1.1 DEFINITIONS**

**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 an 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.

### **1050.2 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)):

- (a) Employees are prohibited from directly supervising, occupying a position in the chain of command, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  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.

# Oxnard Police Department

## Policy Manual

### *Nepotism and Conflicting Relationships*

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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.
  3. In limited situations, the Chief of Police may authorize an employee to occupy a position in the chain of command, and/or direct supervision for a generally prohibited supervisor/subordinate relationship.
- (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.

#### **1050.2.1 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 uninjured, next highest level 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 uninjured, immediate supervisor. In the event that no uninjured supervisor is immediately available, the employee shall promptly notify dispatch to have another uninjured employee either relieve the involved employee or minimally remain present to witness the action.

Any employee who is aware of another employee involved in a prohibited relationship, shall promptly notify his/her uninjured, immediate supervisor.

#### **1050.2.2 SUPERVISOR'S RESPONSIBILITY**

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

## Department Badges

### 1052.1 PURPOSE AND SCOPE

The Oxnard Police Department badge and uniform patch as well as the likeness of these items and the name of the Oxnard Police Department are property of the Department and his/her use shall be restricted as set forth in this policy.

### 1052.2 POLICY

The uniform badge shall be issued to department employees as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by employees while on duty or otherwise acting in an official or authorized capacity.

#### 1052.2.1 FLAT BADGE

Sworn officers shall be issued a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual § 700.
- (b) An honorably retired officer must turn in his/her active-duty flat badge, and may be issued a retiree flat badge upon retirement (in accordance with the Department's Retiree Protocol).
- (c) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

#### 1052.2.2 CIVILIAN PERSONNEL

Badges issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Traffic Service Assistant, Dispatcher).

- (a) Civilian personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Civilian personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### 1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may receive his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

### 1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

# Oxnard Police Department

## Policy Manual

### *Department Badges*

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Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The Department badge, shoulder patch, or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memorandums, and electronic communications such as electronic mail or websites and web pages.

The use of the badge, uniform patch, and the Department name for all material (printed matter, products, or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

Employees shall not loan his/her identification card to other for the purposes of allowing them to enter any controlled access location such as the [REDACTED] or other future locations that record who enters/exits a particular facility.

#### **1052.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the Department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Oxnard Police Department. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the Department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

## Modified Duty

### 1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform regularly assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified duty assignment is subject to the approval of the appropriate bureau chief.

Modified duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

### 1054.2 MODIFIED DUTY DEFINED

**Modified Duty** - A temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification.

The Personnel and Training Sergeant and the Workers' Compensation Manager are responsible for ensuring that injured personnel return to full-duty as soon as possible and will monitor the injured employee's progress. The Department's guidelines regarding the application and administration of modified duty assignments for injured employees is as follows:

- (a) When an employee incurs an injury or illness that precludes him/her from performing his/her regular duties, the Department will consider modified duty assignments on a case by case basis. No modified duty assignment shall be approved or ordered unless the following conditions exist:
  1. The employee's physician or the treating physician designated by the City of Oxnard endorses such assignment.
  2. The treating physician has completed a report indicating the nature of illness, treatment/therapy required and specific work restrictions. The physician should also indicate all medications prescribed and if these present any safety issues to the injured employee.
  3. The treating physician believes the injured employee will be able to return to a full duty status within sixty (60) days.
- (b) Employees shall submit a duty status report for each visit to the treating physician. A duty status report shall be required at least every 30 days the employee is on modified duty.
- (c) Each modified duty assignment will be reviewed monthly. Modified duty assignments which extend past 60 days will be reviewed and approved by the appropriate bureau chief.

# Oxnard Police Department

## Policy Manual

### *Modified Duty*

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#### **1054.3 LIMITATIONS**

Modified duty assignments are a management prerogative and not an employee right. Modified duty assignments shall be subject to continuous re-assessment dependent upon department need and the employee's ability to perform in a modified duty capacity.

An injured employee may be assigned to a modified duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of department need or a change in priorities may result in the employee's removal from or modification of a modified duty assignment.
- (c) The Department may place conditions as deemed appropriate upon any modified duty assignment.

#### **1054.4 PROCEDURE**

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Bureau Chief or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Bureau Chief will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Watch Commander or Bureau Chief. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

##### **1054.4.1 MODIFIED DUTY SCHEDULES**

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or department needs at the discretion of the appropriate bureau chief.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, and limitations and restrictions as determined by the employee's health care provider.

##### **1054.4.2 ACCOUNTABILITY**

The employee's commander/manager shall coordinate efforts to ensure proper time accountability.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with his/her supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's leave bank.
- (b) Employees shall promptly submit a status report for each visit to the treating health care provider and shall immediately notify the Personnel and Training Sergeant of any change in restrictions or limitations as determined by the health care provider. An employee assigned to a modified duty assignment shall provide a duty status report

# Oxnard Police Department

## Policy Manual

### *Modified Duty*

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to the Personnel and Training Sergeant no less than once every 30 days while the employee is on modified duty.

- (c) The Personnel and Training Sergeant shall keep the bureau chief apprised of the employee's status and ability to perform the modified duty assignment. Modified duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the bureau chief with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the bureau chief.

#### **1054.4.3 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide a statement signed by the health care provider indicating that the employee is medically cleared to perform the basic and essential job functions of the assignment without restriction or limitation. Based on criteria set forth by Human Resources, the employee may be required to complete a Functional Capacity Evaluation (FCE) for industrial injuries prior to return to full-duty .

#### **1054.5 PREGNANCY**

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

Employees who are pregnant will be treated as prescribed by the federal Pregnancy Discrimination Act (PDA). This allows the employee to continue working in her usual and customary assignment until her personal physician believes she is not able to continue in that assignment. At that time, the employee must bring in a note from her physician stating specific restrictions for the employee so a modified duty agreement can be requested. Depending on the restrictions and the nature of the modified duty request, each case will be assessed individually by the appropriate bureau chief. Requests will be assessed in the best interest of the employee and the Department.

##### **1054.5.1 EMPLOYEE NOTIFICATION**

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practical. The employee must inform the Department of her intent regarding reassignment, job accommodations, and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

##### **1054.5.2 SUPERVISOR RESPONSIBILITY**

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the Personnel and Training Sergeant shall notify the appropriate bureau chief, who will consider assigning the employee to an available temporary modified duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding family and medical care leave.

# Oxnard Police Department

## Policy Manual

### *Modified Duty*

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#### **1054.6 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified duty assignment may have his/her probation extended by a period of time equal to the employee's assignment to modified duty.

#### **1054.7 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to modified duty shall maintain all certification, training, and qualifications appropriate to both the regular and temporary duties, provided the certification, training, or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform the Personnel and Training Sergeant of any inability to maintain any certification, training, or qualifications.

If an employee has been off work for an extended period of time, the employee will coordinate with the Personnel and Training Sergeant to ensure that all minimum training requirements/qualifications are completed as needed for the assignment.

#### **1054.8 PHYSICAL THERAPY AND MEDICAL APPOINTMENTS**

There is no injury release time for therapy appointments for injuries that are not work related. Sick time or annual leave can be used in those instances.

- (a) No overtime will be paid.
- (b) If the physical therapy or medical appointment occurs during regular duty hours, the employee may attend on-duty and the time away will be recorded as injury time. However, every attempt should be made, where possible, to schedule the appointment close to the end or start of the shift to minimize the amount of time lost from the work place.
- (c) If the appointment cannot be scheduled during the employee's work shift, then injury time can be granted by the supervisor to accommodate the time lost for the actual appointment.

# Employee Speech, Expression and Social Networking

## **1058.1 PURPOSE AND SCOPE**

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

### **1058.1.1 APPLICABILITY**

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## **1058.2 POLICY**

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Oxnard Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## **1058.3 SAFETY**

Employees should consider carefully the implications of his/her speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of 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:

- (a) Disclosing a photograph and name or address of an officer who is working undercover.
- (b) Disclosing the address of a fellow employee.
- (c) Otherwise disclosing where another employee can be located off-duty.

# Oxnard Police Department

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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#### **1058.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the Department's safety, performance, and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Oxnard 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 Oxnard Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Oxnard Police Department or its employees.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Mission Statement or Core Values of the Oxnard 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 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 Oxnard Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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).

Regarding Interent use, refer to Policy Manual § 342.6.

#### **1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit officer associations, employees may not represent the Oxnard Police Department or identify themselves in any way that could be reasonably perceived as representing the Oxnard 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.
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# Oxnard Police Department

## Policy Manual

### *Employee Speech, Expression and Social Networking*

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- (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 Oxnard Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **1058.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received, or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department. This includes the Department email system, computer network, or any information placed into storage on any department system or device. It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service, or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

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