

Oxnard Police Department

Oxnard PD Policy Manual

CHIEF'S PREFACE

Policing has become much more complicated than when I first entered the profession in 1993. The level of scrutiny that is placed upon our first responders is to a degree that I have never seen before. Officers and dispatchers have a challenging job. They contend with chaotic and stressful situations every day. They are expected to restore order, and must often make split-second decisions. They are judged far less for events that have positive outcomes but must answer extensively to those events with negative ones. Among my responsibilities as Chief of Police is to aim high for positive outcomes, and as our Mission Statement says, that we "protect our community with exceptional service."

In order to do this, it is especially important that law enforcement agencies guide their operations by creating rules and expectations for those who are entrusted to serve our community. This policy manual is a foundational instrument for that. Though it cannot predict every aspect of policing, nor every potential situation that our employees can face, it forms a solid base from which to work.

We are also accountable to the community. All of our employees are expected to be familiar with our policy manual and are responsible for following established policies. This policy manual also contains the Oxnard Police Department's Mission Statement, Core Values, and the Law Enforcement Code of Ethics, which also set standards to follow.

This policy manual is a "living document" in that we continue to review policies for their practicality, how they line up with contemporary laws, and how they contribute to our community's safety.

Another responsibility that a chief of police has is to promote transparency. This manual and its contents is available to the public on our website at <https://www.oxnardpd.org/>.

As I mentioned above, this policy manual is fundamental for establishing rules to follow. Combined with ongoing training that repeatedly reinforces policy, and leadership that exemplifies this policy, we are better positioned to promote officer safety, as well as the safety of the public that we serve.

Jason Benites, Chief of Police

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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.

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 in 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

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

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE OXNARD POLICE DEPARTMENT

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

- (a) When the officer has probable cause to believe the person committed a felony.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

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

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

100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE OXNARD POLICE DEPARTMENT

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

- (a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.

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- (c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the in the presence of the officer such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

100.2.3 TIME OF MISDEMEANOR ARRESTS

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

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - 1. A misdemeanor committed in the presence of the officer.
 - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.3 POLICY

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

Law Enforcement Code of Ethics

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

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

101.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

101.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

Chief Executive Officer

103.1 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.

103.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

Oath of Office

105.1 PURPOSE AND SCOPE

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

105.2 POLICY

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

105.3 OATH OF OFFICE

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

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

105.4 MAINTENANCE OF RECORDS

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

Policy Manual

107.1 PURPOSE AND SCOPE

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

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

107.2 POLICY

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

107.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the 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 members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Oxnard Police Department reserves the right to revise any policy content, in whole or in part.

107.2.2 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.

107.2.3 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.

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107.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Revision Orders, which shall modify these 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.

107.3.1 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. 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.

107.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Oxnard.

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

Department/OXPD - The Oxnard Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Oxnard Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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- Volunteers.

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

107.4.1 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.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 BUREAUS

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

- Administrative Services Bureau
- Field Services Bureau
- Investigative Services Bureau

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 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 are located on the City's shared drive (S:/drive) under Purchasing. The employee responsible for preparing an agreement will contact the Police Financial Manager to determine the appropriate agreement type and requirements. A draft of the agreement shall be emailed to the Assistant City Attorney for review with the Police Financial Manager included in the email.

- (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 \$5,000 and \$200,000 require City Manager approval.
- (c) Agreement amounts over \$200,000 require an agenda item to City Council for 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. Final approval rests with the Assistant Chief with managerial responsibility for the unit preparing the agreement. Once it is approved by the Assistant Chief, the Police Financial Manager or designee will upload the agreement to Tyler Munis for the routing of signatures citywide (workflow of approvals). If the agreement requires the Mayor's signature, it will be signed at the conclusion of the Council meeting. A complete (executed by all parties) electronic (scanned) version of the agreement shall be emailed to the Police Financial Manager for filing in the Police Department's intranet.

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Service Agreements

205.6 AGREEMENT MONITORING

The Project Manager will track the expiration dates of active agreements and will notify the 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 become familiar 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

208.1 PURPOSE AND SCOPE

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

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 the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of Department personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

208.4 MASTER TRAINING PLAN

A training plan 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 plan on an annual basis. The plan will address the following areas:

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

208.5 TRAINING NEEDS ASSESSMENT

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

208.6 TRAINING PROCEDURES

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

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1. Court appearances
 2. First choice vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Personnel and Training Sergeant to attend the required 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.

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.

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 § 26150; 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. 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 Policy Manual § 220.

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 § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
- (f) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (g) Provide proof of ownership or registration of any firearm to be licensed.
- (h) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (i) 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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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 Department of Justice (DOJ) determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).

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 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 the authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction).
- (b) Applicant fees shall be submitted and processed according to Department-established procedures and Penal Code § 26190.
 - 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in Department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for Department use.
- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.

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

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

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

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 the authorized designee. During this stage, there will be further discussion of any potential restrictions or conditions that might be placed on the license.
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165 (Penal Code § 26165).
- (d) The applicant shall submit any firearm to be considered for a license to the Range Sergeant or other Department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the Department Range Sergeant, or provide proof of successful completion of another Department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after

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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).

218.5 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which the person may carry the firearm.
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information clearly visible.
 - 1. Each license shall be numbered and clearly identify the licensee.
 - 2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this Department in writing within 10 days of any change of place of residency.

218.5.1 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.

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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.

218.5.2 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.

218.5.3 REVOCATION OF LICENSES

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

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103, or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character for the original issuance of the license.

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- (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).

218.5.4 LICENSE RENEWAL

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

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a Department-approved training course pursuant to Penal Code § 26165.
- (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 the authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. 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).

218.6 DEPARTMENT REPORTING AND RECORDS

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

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

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

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218.7 CONFIDENTIAL RECORDS

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

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of the applicant's family shall not be considered public record (Government Code § 7923.800).

218.8 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).

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

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

220.2 POLICY

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

220.2.1 APPLICATION PROCESS

The CCW application process for retirees is as follows:

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

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

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

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

220.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 - 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

220.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.

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- (c) The date of retirement.
- (d) The name and address of this department.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than every five years). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

220.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

220.4.3 QUALIFIED RETIRED RESERVES

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

220.5 FORMER OFFICER RESPONSIBILITIES

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

220.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

220.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

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- (a) Qualify annually with the authorized firearm on a course of fire approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by the Department.

220.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

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

220.7 FIREARM QUALIFICATIONS

The Range Sergeant may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. Range Staff will maintain a record of qualifications by retirees who qualify at a Department range session.

The Professional Standards Division will maintain a record of the qualifications for California resident retirees who qualify with a rangemaster who is not a member of Oxnard Police Department's Range Staff. It is the responsibility of the retiree to submit the qualification record to the Department.

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

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

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).

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3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 1. The decision of such hearing board shall be binding on the Department and the retiree.
 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
 3. The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
 - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
 4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

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 (Government Code § 7286).

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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.

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:

- (a) **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)
- (b) **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

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.

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

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment

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of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835(e)(3)).

Imminent threat- An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. Imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835(e)(2)).

De-escalation- the use of strategies and/or techniques to gain voluntary compliance from an individual in order to gain or maintain control of an incident while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

Pre-engagement considerations- Pre-engagement considerations involve the process of gathering and assessing information prior to deploying the available personnel, tactics, equipment, and other appropriate and obtainable resources. Discretionary time, reactionary distance, communication, and barriers are key objectives to enhance the probability of a peaceful outcome. Self-regulation is a key component to the decision-making process.

Disengagement (tactical withdraw)- Disengagement is a tactic designed to avoid potentially violent, or otherwise unfavorable outcomes. Disengagement may be a viable option for individuals in crises who pose no additional threats to others, there is no crime, or for offenders who may later be apprehended under safer conditions.

Any time officers intent to disengage from an incident, they should attempt to advise involved individuals of the withdrawal from the incident. Officers should attempt to ensure those involved have had the opportunity to establish a position of relative safety with respect to the incident, and they are aware that officers will no longer be present to protect the safety of the involved persons.

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 Oxnard Police 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.

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When reasonably possible, officers should use de-escalation strategies and/or techniques to gain voluntary compliance from an individual in order to gain or maintain control of an incident while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

300.2.1 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy (section 402 in this manual) for additional guidance.

300.2.2 DUTY TO INTERCEDE

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

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

300.2.3 ALTERNATIVE TACTICS- DE-ESCALATION

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

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(1)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.5 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use 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*).

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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.
- (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 assaulting 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.

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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

Officers of this department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.7 ADDITIONAL RESTRICTIONS

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

300.4 DEADLY FORCE APPLICATIONS

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

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably

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practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

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

- (a) An Officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 GUIDELINES ON DRAWING/POINTING A FIREARM

The intent of this policy is to establish guidelines regarding situations in which officers should or should not draw a firearm or point a firearm at a person. Officers shall adhere to the highest level of safety when handling firearms. Officers will follow all of the firearm safety rules 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 what is in front of it and behind it. Officers shall use caution in the discharge of their firearms, taking into account the safety of bystanders.

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- (d) Never allow your muzzle to point at anything that you are not willing to destroy.
- (e) Officers are responsible for every round fired downrange.

Given that the pointing of a firearm at a member of the public is a reportable use of force, officers should use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

1. The Oxnard Police Department recognizes the sanctity of human life, the value of peaceful resolution, and that the preservation of human life is paramount.
2. If feasible and safe, officers shall evaluate the use of other reasonably available resources and techniques when determining whether to draw/point their firearm.
3. Officers shall reasonably assess the added risks of drawing a firearm, including the possibility of escalating a situation, or detracting from de-escalation techniques.
4. If the officer does not perceive an imminent threat but reasonably believes that the potential for such threat exists (e.g., building search), firearms should generally be kept in the low-ready or other position not directed toward an individual.
5. If the officer reasonably believes that an imminent threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such imminent threat until the officer no longer perceives such threat. Once it is reasonably safe to do so, officers should carefully secure all firearms.
6. Officers shall consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

300.5 INCIDENT DEBRIEFS

Following any significant incident, field supervisors are encouraged to debrief and evaluate the event. The objective of debriefs are for individual and agency development and may serve to augment the capacities of peace officers with the objective of protecting the lives and safety of all persons.

300.6 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.

300.6.1 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.

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- (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.
- (k) An officer intentionally points a firearm in the direction of a member of the public, regardless of whether or not in the low-ready position.

The notification shall include details of the actions and observations of the officer(s) involved, any statements made by the subject the force was used on, and the statements and identity of any witnesses. Whenever a suspect or witness makes an allegation of excessive force or misconduct, any involved officer or witness officer with knowledge of such statements shall notify a supervisor of the allegation.

300.6.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.7 MEDICAL CONSIDERATION

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 a supervisor'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.

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

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(sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage as close as is reasonably safe.

300.8 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. Every attempt should be made to interview the involved officers separately. 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:
 - (a) The application of force appears to have caused physical injury.
 - (b) The individual has expressed a complaint of pain.
 - (c) 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.
 - (d) Any strikes such as palm heel, elbow, knee, kicks, or closed fist, regardless of whether the subject sustained an injury.
 - (e) The individual has been rendered unconscious.
 - (f) The use of the body restraint device.
 - (g) Anytime an officer intentionally points a firearm in the direction of a member of the public, regardless of whether or not in the low-ready position.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that sufficient and quality photographs are taken of the suspect and victim officers (if appropriate), to include any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. Photographs of the location of the incident should be taken as well. These photographs should be retained until all potential for civil litigation has expired.
- (e) Ensure that all witnesses are located, identified, and interviewed by uninvolved officers. This may be accomplished through a canvass of the area.
- (f) Review and approve all related reports as appropriate.
- (g) Review all audio and video recordings, if available.
- (h) The need for a suspect interview should be discussed with the on duty watch commander. An interview shall only occur after a *Miranda* waiver has been obtained. Involved officers should not be present during the interview. If an interview is obtained,

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a follow up report shall be completed. The following factors should be considered when determining the need for the interview:

- (a) The subject may pursue civil litigation,
- (b) Lack of independent witness statements,
- (c) Lack of audio or video recording,
- (d) Seriousness of injury,
- (e) Inconsistent statements.
- (i) If there is any indication of a policy violation by the officer(s), and/or that the subject may pursue civil litigation, notification shall be made to Professional Standards through the supervisor's commander.
- (j) 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.

Supervisors involved in an application of force, whether directing officers to apply force or actively applying force, shall have another supervisor respond to prepare the use of force report when practical. If the supervisor is on scene and merely witnesses a use of force, that supervisor may complete the use of force report.

300.9 USE OF FORCE REVIEW

Use of force reports shall be completed by supervisors using the LEFTA program, located on the department intranet. Once completed, the supervisor's command should review the report in a timely manner. The commander will either approve the report or send it back to the supervisors for corrections. Once approved, the use of force report will be reviewed by a Professional Standards 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 Commander and Special Operations Commander. Additional subject matter experts within the Department may be forwarded the use of force report for review and to provide input.

300.10 POLICY AVAILABILITY

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

Force Options Unit

301.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the Oxnard Police Department's Force Options Unit (FOU). The FOU is responsible for Department member proficiency development and ongoing training for the Department's Defensive Tactics (arrest and control) program, MILO (Multiple Interactive Learning Objectives) Simulator, and less lethal devices.

The FOU promotes a philosophy that Department member interactions with the public begin with the use of de-escalation and voluntary compliance techniques. In the event that such techniques are unsuccessful, and disengagement is not a reasonable option, that the level of force be used is both reasonable and necessary.

The FOU recognizes the sanctity of human life, the value of peaceful resolution, and that the preservation of human life is paramount.

301.2 UNIT STRUCTURE

The FOU shall be structured as follows:

1. Special Operations Commander
2. Defensive Tactics Sergeant
3. Less Lethal/ MILO Simulator Sergeant
4. Instructors
 - (a) The FOU Commander will provide management and resource allocation to the FOU, and ensure that State/Federal laws, and Department policies and procedures are followed.
 - (b) The FOU Sergeants will be responsible for ensuring the FOU's purpose and scope are fulfilled, and the Department's mission and goals are promoted.
 - (c) The FOU Instructors will take direction from the FOU Sergeants and provide Department members with training, certify/re-certify Department personnel on the use of control devices.
 - (d) Upon selection the FOU, instructors are required to successfully complete Department approved training in the area that they will be instructing Department personnel.

All FOU personnel will recognize and place emphasis on:

1. Safety
2. The importance of de-escalation
3. Sound decision making
4. The value of peaceful resolution, and
5. That the preservation of human life is paramount.

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301.3 SELECTION PROCESS

- (a) The FOU Commander will be selected and appointed by the Field Services Bureau (FSB) Chief.
- (b) The FOU Sergeants will be selected and appointed by the FOU Commander, subject to approval of the FSB Chief.
- (c) FOU Instructors will be selected by the respective FOU Sergeants, subject to the approval of the FOU Commander and FSB Chief.
- (d) FOU Instructor minimum qualifications include:
 - 1. Two (2) years of law enforcement experience with at least one (1) year of full time employment as a sworn officer with the Oxnard Police Department.
 - 2. A willingness to work a flexible schedule, including overtime projects.
 - 3. A demonstrated high level of proficiency with matters that the FOU is responsible for (e.g. arrest and control techniques, less lethal devices, etc.).
- (e) The selection of FOU staff will adhere to the provisions of Oxnard Police Department Policy Manual section 1007.

301.4 FOU STAFF DUTIES AND RESPONSIBILITIES

FOU staff shall have the following duties and responsibilities:

- (a) Provide training on the use of less lethal devices, arrest and control techniques, de-escalation techniques, and relevant local, state and Federal laws regarding the use of force.
- (b) Review use of force incidents and provide remedial training when necessary.
- (c) Conducting arrest/control and baton training for officers at briefings, scheduled payback days, and new officer orientations.
- (d) Providing expertise on use of force related issues.
- (e) Lead scenario based training and related case law discussions.
- (f) Integrate tactical decision making and professional communications into all facets of training.
- (g) Schedule and manage continued training for instructors and Department personnel as it relates to the MILO simulator, defensive tactics, and less lethal devices.
- (h) Maintain a high awareness of contemporary laws related to de-escalation and use of force.
- (i) Ensure the values and policies of the Oxnard Police Department are emphasized in all force options related training.
- (j) Develop and maintain a yearly plan for Department personnel.

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 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.

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- (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.
- (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).
 - (a) Number of shots fired and direction.
 - (b) Did the suspect fire any rounds and in what direction?
 - (c) Are there any outstanding suspect(s)? Description and direction of outstanding suspect(s).
 - (d) Was anyone injured? Where are they?
 - (e) The location of any involved parties or witnesses.
 - 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).

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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.
 - (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 a Critical Incident Notification Checklist, including the names of persons notified and time of notification:
 - (a) On-call Duty Chief and Chief of Police
 - (b) Investigative Services Bureau Commander
 - (c) Major Crimes Sergeant
 - (d) Professional Standards Commander
 - (e) OPOA President or designee
 - (f) Legal Counsel for City
 - (g) City Insurance Provider
 - (h) District Attorney's Office
 - (i) Peer Support Team
 - (j) Community Affairs Manager
 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

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- OPOA officer or board member in the president's absence) and request their 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.

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 Investigative Services Bureau not involved in the incident may conduct the investigation.

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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.

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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.
 - (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
 - (a) 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
 - (a) 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.

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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.

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 Community Affairs Manager or Watch Commander may, in major incidents or other Incidents they feel is appropriate, notify the media through a media release process shortly after an incident occurs to allow on-scene coverage by the media. If such a notification is made, the Community Affairs Manager or 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 Investigative Services Bureau Commander or their designee. In all cases, the Investigative Services Bureau Commander or their designee 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").

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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 the release of his/her name to the media or public.
 4. Identity of other involved person(s). This shall include a general description of the 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. The 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 that 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 Community Affairs Manager 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.
 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.

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- (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 digitally 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 or their designee. The Investigative Services Bureau Commander or their designee will brief the Administrative Services Bureau Commander, the appropriate Bureau Chief, and the 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.

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.

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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 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

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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 person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

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

306.5 APPLICATION OF SPIT HOODS

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

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

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

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

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- (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 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).

Light/Sound Diversionary Devices (LSDD)

307.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of LSDD.

307.2 POLICY

The Department authorizes the use of LSDD by specific qualified department personnel for use during certain tactical situations and associated training.

307.3 AUTHORIZED PERSONNEL

Personnel listed below are authorized to carry and deploy LSDD when trained according to section 307.5:

- (a) Special Operations Division SWAT and K9 personnel authorized by the Special Operations Division Commander
- (b) Patrol Division personnel meeting the following criteria and authorized by the Patrol Services Bureau Chief:
 - (a) The rank of sergeant
 - (b) Two years prior Oxnard Police Department SWAT team or K-9 experience

307.4 USE OF LSDD

Use of LSDD can provide a tactical advantage in various critical incidents but carry significant dangers of fire and physical injury. Their deployment may also adversely affect personnel they are intended to assist. Therefore, before deployment of a LSDD, these factors must be weighed against any tactical advantage.

Use of LSDD by Patrol Division Personnel authorized by this policy, not including collateral SWAT team members, should be reserved for life-threatening situations, unless otherwise directed by SWAT Team personnel. The on-duty watch commander and Special Operations Commander shall be notified of any use of LSDD by Patrol Division Personnel.

307.5 TRAINING

Personnel shall have completed training from a POST-certified LSDD instructor to be eligible to carry and deploy LSDD. Additionally, authorized personnel shall complete annual training as established by the Special Operations Commander.

307.6 STORAGE AND TRANSPORTATION

Storage of LSDD will be in a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) approved container labeled "Explosive."

Special Operations Division personnel will store LSDD in an ATF-approved container in a location approved by the Special Operations Commander. LSDD stored at the police station will be kept in an ATF-approved container, in a locked cabinet, and in a specific location approved by the Special Operations Commander.

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Light/Sound Diversionary Devices (LSDD)

LSDD transported by Patrol Division Personnel in a vehicle will be kept in an ATF-approved container.

307.7 ASSIGNMENT OF LSDD

Two LSDD will be assigned to eligible Patrol Division personnel.

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 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 shall 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

Chemical Agents may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the

Watch commander, Incident Commander or Special Operations Commander may authorize the delivery and use of chemical agents, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

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.

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 shall

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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:

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

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- (b) The suspect has made credible threats to harm 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.
- (g) An assessment whether or not efforts to use or continue de-escalation techniques will be effective.

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 shall 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

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the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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

308.9 TRAINING FOR CONTROL DEVICES

The Force Options Unit Commander shall ensure that all control device and technique training includes:

- (a) A review of this policy
- (b) A review of the Use of Force Policy
- (c) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, check, and groin.
- (d) De-escalation techniques.

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

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

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.

Conducted Energy Device

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

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

309.3 ISSUANCE AND CARRYING CONDUCTED ELECTRICAL WEAPONS

Only members who have successfully completed department-approved training may be issued and carry the CEW. Tasers are issued for use during a member's current assignment. Officers shall only use the CEW and cartridges that have been issued by the Department. Uniformed officers who have been issued the CEW shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CEW in the driver's compartment of their vehicle. Members carrying the CEW 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 CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the CEW device.
- (c) Officers shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the CEW at the same time.

309.4 VERBAL AND VISUAL WARNINGS

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with officers lawful orders and it appears both reasonable and feasible under the circumstances, the officers may, but is not required to, display the electrical arc, or the laser in a further attempt to gain compliance prior to the application of the CEW. 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 officers deploying the CEW in the related report.

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309.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

309.5.1 APPLICATION OF THE CEW

The CEW 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.

For the purposes of this section, mere flight from a pursuing officer, even with probable cause for an arrest, is not sufficient physical resistance for the use of the CEW to apprehend an individual. Factors described in subsections (a) and (b) must be present with flight to justify the use of the CEW.

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW 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 officers, the subject or others, and the officers 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 capicum (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 CEW 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.

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The CEW 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 officers safety do not permit the officers to limit the application of the CEW probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE CEW

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

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CEW discharges. 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. Any officer who deployed their CEW shall download it into Evidence.com at the conclusion of their shift.

309.5.6 DANGEROUS ANIMALS

The CEW 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 CEW while off-duty.

Officers shall ensure that CEWs 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.

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309.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a Department-approved process to preserve the data.

309.6.1 REPORTS

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

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

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 CEW 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 CEW 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.

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

309.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CEW may be used. A supervisor should respond to all incidents where the CEW was activated. A supervisor should review each incident where a person has been exposed to an activation of the CEW. 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 CEW shall be permitted to do so only after successfully completing the initial department-approved training. Proficiency training for personnel who have been issued CEWs 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 CEWs will be documented in the officer's training file.

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

Officers who do not carry CEWs should receive training that is sufficient to familiarize them with the device and with working with

officers who use the device.

The Force Options Unit Commander is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Force Options Unit Commander 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 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 CEW and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CEW.

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policies and procedures for the investigation of an incident in which a person is either uninjured, injured, or killed as the result of an officer-involved shooting or an in-custody death. 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 and deaths involve several separate investigations. The investigations may include:

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

310.3 JURISDICTION

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

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 or in-custody death will be conducted by the Major Crimes Unit. In the event that the shooting or in-custody death 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 or in-custody death 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)

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to another agency. The Oxnard Police Department will conduct a timely civil and/or administrative investigation of the incident.

310.3.4 INVESTIGATION RESPONSIBILITY MATRIX

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

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation of	Administrative Investigation
OPD Officer in City of Oxnard	OPD	OPD	Oxnard Attorney's Office	City OPD
Outside Agency Officer in City of Oxnard	OPD	OPD	Involved Agency	Officer's Agency
OPD Officer outside of City of Oxnard	Agency where incident occurred	Agency where incident occurred	Oxnard Attorney's Office	City OPD

310.4 INVESTIGATION PROCESS

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

310.4.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting or in-custody death, 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 uninvolved officer(s).
 1. In the event that there are no uninvolved officers, the supervisor should attempt to obtain a brief voluntary overview from one involved 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, identification 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 an update to the Watch Commander when available, and provide relevant information to the Emergency Communication Center. 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.

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- (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(s) shall be given an administrative order not to discuss the incident with other officers pending further direction from a supervisor or detective.
 - 2. If 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.

310.4.2 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or in-custody death, 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) Chief of Police and assistant police chiefs.
- (b) Investigative Services Bureau Commander.
- (c) Major Crimes Sergeant.
- (d) District Attorney OIS rollout team.
- (e) Professional Standards Commander/Internal Affairs Sergeant.
- (f) OPOA representatives
- (g) Third-party administrator for liability issues.
- (h) Police Chief's legal counsel.
- (i) Trauma Support Team.
- (j) Medical Examiner (if necessary).
- (k) Officer representative (if requested).
- (l) Community Affairs Manager

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 and the Major Crimes Sergeant will be consulted prior to information about the involved officer(s) or the investigation is released to the media.

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It will be the policy of this department not to 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.

310.4.5 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the station, the Watch Commander or supervisor 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.
- (d) A licensed 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 officer 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 or in-custody death. It shall be the responsibility of the Professional Standards

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Commander and the Watch Commander to make schedule adjustments to accommodate such leave.

310.4.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

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

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

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 or in-custody death 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.

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.
- (d) The Chief of Police may release audio and video of the incident to the public and may consult with the District Attorney before doing so.

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- (e) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.
- (f) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

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 search, arrest and prosecution of those individuals (Government Code § 3304(a)).

While the involved officer(s) 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 or in-custody death.

310.5.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incidents 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.
 - 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, the officer(s) should attempt to identify the witness prior to his/her departure.

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- (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) Detectives will, when available, promptly contact the suspect's known family or associates to obtain any available and untainted background information about the suspect's activities and state of mind.

310.6 ADMINISTRATIVE INVESTIGATION

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

- (a) Any officer involved in a shooting or in-custody death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).

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

310.7 DEBRIEFING

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

310.7.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Professional Standards Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, and other relevant sworn or professional staff members). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory, detectives investigating the incident, and Professional Standards personnel.

310.7.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Professional Standards Commander and/or the Special Operations Commander should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

310.8 REPORTING

If the death of an individual occurs in the Oxnard Police Department's jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Investigative Services

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Bureau Commander will ensure that the Records Manager is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

Firearms

312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

312.1.1 DEFINITION

The Department Range Sergeants are the Rangemasters for the organization. They are assisted by individuals identified as Assistant Rangemasters and Range Safety Officers. In the absence of the Rangemaster, the Assistant Rangemaster will be in charge at range activities. The Firearms Training Unit staff reports directly to the Special Operations Commander.

312.2 POLICY

The Oxnard Police Department will equip its members with firearms to address the risks posed to the public and Department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote firearm safety on and off-duty. Employees shall adhere to the highest level of safety when handling firearms. Employees will follow the following firearm safety rules 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 what is in front of it and behind it. Officers shall use caution in the discharge of their firearms, taking into account the safety of bystanders.
- (d) Never allow your muzzle to point at anything that you are not willing to destroy.
- (e) Officers are responsible for every round fired downrange.

312.3.1 HANDGUNS

The authorized department-issued handgun is the 9MM Sig Sauer P320. Beginning June 30, 2023, the Sig Sauer P320 is the only firearm authorized to be carried on duty. Officers who have been authorized to carry the firearms listed below prior to June 30, 2023, may continue to do so:

Make	Model	Caliber
Sig Sauer	Varied	9mm, .45

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Glock	Varied	9mm, .45
Beretta	92FS and variants	9mm

312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870. When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle or a locking trunk that requires a key or combination lock to open.

312.3.3 RIFLES

The authorized patrol rifle include the: Colt AR-15, Colt M-16 that has been converted to a "semiautomatic only" weapon, the Rock River Arms. Inc. LAR-15 (A2/A4), Sionics Patrol Rifle, and the Bushmaster AR-15 (A2/A3/M4) series rifles per section 432.2.1 of this policy.

312.3.4 FIREARM EXCHANGES

When a member is issued a department firearm, it is the responsibility of the member to be mindful of the location and its safe storage. Often times, a member will be assigned to a specialized unit that requires the use of specialized firearms. Firearms required in the unit will be issued by Firearms Training Unit staff at the request of the supervisor.

When the member is no longer affiliated with the specialized unit or no longer required to use a particular firearm, the firearm will be returned to the Firearms Training Unit staff for inventory. The Firearms Training Unit staff will retain the firearm until it is reissued.

Firearms specifically assigned to a specialized unit that are not immediately reissued will be stored in the Firearms Training Unit Armory. These firearms will be tagged with the name of the specialized unit and held until a request to issue the firearm is received by the supervisor.

The Firearms Training Unit shall maintain control over, and have authority to issue, exchange, loan, repair, or remove from service, all institutional Firearms.

312.3.5 PERSONALLY OWNED DUTY FIREARMS

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

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by Firearms Training Unit staff prior to being carried and shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the Department's firearms qualification schedule.
- (d) Department members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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- (e) Department members shall provide written notice to the Firearms Training Unit staff of the firearm's make, model, color, serial number and caliber of the firearm. The Firearms Training Unit will maintain a list of this information.
- (f) Department members are responsible for following the manufacturer's recommended periodic maintenance schedule for any personally owned firearm that is being used for on-duty purposes. This periodic maintenance is separate from the cleaning and maintenance that the Department member performs after every range qualification, per Section 312.8 of this policy.
- (g) If a Department member chooses to carry their personally owned firearm for on-duty purposes instead of the Department-issued Sig Sauer P320, the Department member must notify the Firearms Training Unit Sergeant before switching firearms.
- (h) If a Department member chooses to not to carry the Department-issued Sig Sauer P320 for on-duty purposes, they will be required to turn in their Department handgun to the Firearms Training Unit and it will be returned to the Department inventory.

312.3.6 AUTHORIZED SECONDARY HANDGUN

Department personnel are authorized to carry a secondary handgun, subject to the restrictions listed below. Secondary handguns, commonly referred to as "backup weapons," are prohibited from being carried in lieu of an approved primary weapon.

- (a) The handgun shall be a high quality automatic pistol, in good working order, and shall be limited to the following calibers: .38, .380, .357, .40, .45 or 9MM.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the secondary handgun and ammunition shall be the responsibility of the Department member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Firearms Training Unit prior to being carried, and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same type and brand as Department issue.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision, and thereafter shall qualify in accordance with the department qualification schedule. Department members must demonstrate proficiency, safe handling, and that the handgun functions properly.
- (h) Department members shall provide written notice to the Firearms Training Unit staff of the make, model, color, serial number and caliber of the firearm. The Firearms Training Unit will maintain a list of the information.
- (i) Department members are responsible for following the manufacturer's recommended periodic maintenance schedule for any personally owned firearm that is being used for on-duty purposes. This periodic maintenance is separate from the required cleaning

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and maintenance that is to be performed by the member after every range qualification, per Section 312.8 of this policy.

312.3.7 AUTHORIZED OFF-DUTY FIREARMS

The Chief of Police permits the carrying of firearms by off-duty Department members, but may be rescinded should circumstances dictate (e.g., administrative leave). Department members who choose to carry a firearm while off-duty, based on their authority as peace officers, are required to meet the following guidelines:

- (a) Department members may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy (Section 312.3.5, above). A Department member carrying his/her duty firearm must be in compliance with (d) and (e) of this section.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) Prior to carrying any off-duty firearm, Department members shall demonstrate to the Firearms Training Unit Sergeant or his/her designee, that he/she is proficient with the firearm and that it will be carried in a safe manner.
- (d) The Department member must successfully qualify with the firearm prior to it being carried.
- (e) Department members shall provide written notice to the Firearms Training Unit staff of the firearm's make, model, color, serial number, and caliber of the firearm. The Firearms Training Unit will maintain a list of this information.
- (f) If a Department member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (g) Department members shall only carry Department-authorized or approved ammunition. Under no circumstances shall an officer carry a weapon that fires a rim-fired cartridge.
- (h) When armed, officers shall carry their Oxnard Police Department identification card.

312.3.8 HOLSTERS

The Department will issue on-duty holsters, for both uniform and plainclothes assignments. Officers may purchase optional holsters at their own expense. All holsters used by Department personnel will adhere to the following requirements:

- (a) The Firearms Training Unit Sergeant, or his/her designee, will determine if the holster is approved for duty use.
- (b) The brand name and model should be from a reputable holster manufacturing company. The final decision on suitability of a holster rests with the Firearms Training Unit Sergeant.

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- (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 firearm. 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 firearm.
- (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 Firearms Training Unit Sergeant's satisfaction in extracting and holstering the firearm in different body configurations, in non-stress and stressful simulations, and demonstrate the firearm-retention capabilities of the holster. If at any time the officer is showing difficulties performing firearm manipulations with an optionally purchased holster, the Firearms Training Unit 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 Firearms Training Unit 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.
- (g) Members wearing a load bearing vest may use thigh / dropdown holsters as described in policy manual section 1046.9(b)(2).

312.3.9 AMMUNITION

Department members shall carry only Department-authorized ammunition or approved ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Training Unit when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify in accordance with the Department's qualification schedule. The Firearms Training Unit shall keep accurate records of bi-monthly qualifications,

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repairs, maintenance, training or as directed by the Special Operations Commander. In addition to regular qualification schedules, the Firearms Training Unit 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.

In the event that an officer's gun must be turned in for repair or for administrative purposes, sworn personnel may return to duty and deploy with a replacement firearm equipped with fixed sights if it is the same type and model as the firearm with which they are currently qualified or a replacement firearm equipped with an adjustable sight if it is the same type and model as the firearm with which they are currently qualified, and after the sighting system has been "zeroed in" at a range with live ammunition..

312.4.1 NON- QUALIFICATION

If a Department member is unable to qualify with his/her duty weapon or an optional duty weapon after two (2) attempts, a Firearms Training Unit 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 Firearms Training Unit staff member believes that additional attempts will be futile, the Department member 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) Department members that fail to qualify with their duty firearm at the end of a range cycle 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 member is restricted from field duty until the member has successfully qualified with his/her firearm.

(b) The Range Sergeant will make every effort to assist the Department member in improving his/her shooting ability.

(c) Department members will be given credit for range qualification after remedial training and a qualifying score is obtained.

312.4.2 NON-ATTENDANCE

Range qualification and firearms training is a mandatory function of a police officer and is required by POST. Each year there are typically six (6) standard range cycles, including four (4) pistol qualification ranges, two (2) shotgun qualification ranges and two (2) rifle qualification ranges.

All sworn personnel must qualify with their Department-issued or optional duty weapon every standard range cycle, and whenever notified of an upcoming special range cycle or range session not normally covered under the standard range cycle (i.e., PSP, rifle, post-OIS, etc.). It is the individual officer's responsibility to schedule his/her attendance for the range cycle by signing up via the Department's intranet and to attend the qualification range date. Unless unavailable (i.e. vacation, training), officers must sign up for a qualification date within the range cycle prior to the

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first scheduled range date. A scheduling conflict that could have been reasonably avoided by the officer will not be considered as a valid excuse for not attending range. Once the range cycle has ended, the following procedure will be followed:

- (a) The Firearms Training Unit shall generate a list of sworn personnel who have failed to attend range. This list, along with any related documentation, will be forwarded to the Professional Standards Division.
- (b) The Professional Standards Division will forward the list of officers who failed to attend range to the officers' respective commander.
- (c) The commander will assign the officer's sergeant the task of determining whether or not the officer had a valid reason for failing to attend range.
- (d) This determination will be forwarded from the commander to the Professional Standards Division for disposition.
- (e) If discipline is imposed, the Professional Standards Division will ensure that the necessary notifications are made and that all documentation is complete and placed into the appropriate file.

If it is determined that the officer did not have a valid reason for failing to attend range, the following actions may be taken and modified based upon other instances of the officer's misconduct:

- (a) First occasion: Inspection report.
- (b) Second occasion within a 12-month period: Letter of reprimand.
- (c) Subsequent occasions within a 12-month period: Progressive discipline will be imposed that may include a suspension without pay.
- (d) Subsequent occasions: May result in further progressive discipline up to and including termination.

If an officer is deemed to be out of qualification compliance due to failing to attend range, and he/she has not qualified within a six-month period, the officer shall be ineligible to carry a firearm for police duties until they qualify. Exceptions to this policy 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.

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 on-duty supervisor will be forwarded to the on-duty watch commander. 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 firearm for some purpose. This will be investigated by the officer's supervisor and/or chain-of-command.

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- (b) **Accidental**-An accidental discharge is the discharge of a firearm through no fault of the officer. Normally a defect of the firearm would be a cause, or something other than the officer caused the firearm to discharge.
- (c) **Negligent**-A negligent discharge is one where the officer was in some way negligent in the handling of the firearm resulting in its discharge.

The Professional Standards Division will have the primary role in the investigation of all accidental and negligent firearm discharges. In the event of an accidental or negligent weapons discharge, the on-duty supervisor of the involved employee shall ask standard public safety type questions to ensure safety, and to assess the level of investigation needed. The on-duty supervisor should not conduct a full interview with the employee unless directed by Professional Standards. The scene should be processed according to standard practice, to include capturing the condition of the firearm as found. The supervisor should render the weapon safe, properly secure the firearm, and contact the Professional Standards Division for further direction. If an officer's duty firearm is seized for analysis, a replacement firearm shall be issued as soon as practical in accordance with Section 312.4(a) and (b) of this policy.

312.5 RANGE STAFF DUTIES

The range will be under the exclusive control of the Firearms Training Unit Sergeant or his/her designee. All members attending will follow the directions of the Firearms Training Unit staff. The Firearms Training Unit staff will maintain a roster of all members attending the range. Failure of any member to sign in and out with range staff may result in non-qualification.

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

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

312.6 POLICE CHIEF'S LETTER FOR WEAPONS

There are three (3) 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 section. An officer seeking a letter for weapons will obtain the letter from the Firearms Training Unit 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 required state waiting period of ten (10) days (*Penal Code § 26815*).
- (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*

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Code § 32310]. The officer certifies to the Chief that he/she is obtaining the weapon and/or magazine for law enforcement purposes and the dealer is able to make the sale/transfer without waiting the ten(10)day period.

- (c) The third type of letter allows the officer to obtain an approved rifle (defined in *Penal Code § 30600*). 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 Firearms Training Unit 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 ten (10)day waiting period.

312.7 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Department members shall not unnecessarily display or handle any firearm.
- (b) Department members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Training Unit staff. While at the range, Department members shall not dry fire or practice "quick draws" except as instructed by the Firearms Training Unit Sergeant or other Firearms Unit staff.
- (c) Department members at the workplace shall only load or unload firearms while using provided clearing barrels.
- (d) Shotguns and/or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Department members shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the Department's booking facility or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Department members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Department members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control and in a manner that will keep them inaccessible to children and others who should not have access. Department members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (*Penal Code section 25100*).
- (g) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (h) Any firearm authorized by the Department to be carried on-duty or off-duty that is determined to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Firearms Training Unit Sergeant or his/her designee

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for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Training Unit Sergeant or his/her designee will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued until the duty firearm is serviceable in accordance with Section 312.4 (a) and (b) of this policy.

312.7.1 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 rules specified below. Failure to comply with these rules will be cause for ejection from the range and possible disciplinary action. Range attendance is a mandatory function and all pertinent rules and regulations apply.

- (a) All commands of the Firearms Training Unit staff 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 firearms 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 at the range facility.
- (j) Shorts, open-toed footwear, high heels, and other clothing not suited for range operations are prohibited at the range.
- (k) Members should notify the Firearms Training Unit staff of any limitations due to an injury prior to training.
- (l) Weapons cleaning should generally be performed at the range after training has concluded unless other circumstances exist pursuant to Section 312.8 (a) and (b) of this policy.

312.7.2 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 Firearms Training Unit staff, 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.

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- (b) Colored tape will be used to designate a weapon that does not contain live ammunition. The tape will be placed across the breech 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 has the 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 Officers does not lessen that individual obligation.

312.7.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any on-duty or off-duty Department member, who has consumed an amount of an alcoholic beverage, type of drug or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

312.7.4 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, Department members shall ensure that it is locked in the trunk, or in a locked container which is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

312.8 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 ensuring the periodic maintenance and repair of such weapon.

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 Firearms Training Unit Sergeant or his/her designee. Failure to comply with the turn in of weapons for maintenance may lead to progressive discipline.

Maintenance and cleaning of firearms after a range qualification will follow these guidelines:

- (a) Weapons cleaning should generally be performed at the range after training has concluded.
- (b) If the officer is to return to normal duties immediately following the range, i.e. detectives during a normal work day or an on-duty patrol officer returning to their duties, the firearm shall be cleaned at the range prior to returning to work.

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312.8.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

312.8.2 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on-duty or off-duty after they have been examined and approved by the Firearms Training Unit Sergeant. Once approved and the tactical light has been properly installed on any firearm, the Department member shall qualify with the firearm prior to carrying it, to ensure proper functionality and sighting of the firearm.

312.8.3 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on-duty or off-duty after they have been examined and approved by the Firearms Training Unit Sergeant or his/her designee. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm prior to carrying it, to ensure proper functionality and sighting of the firearm.

Pistol-mounted optics (PMO's) are authorized for use on officers' on-duty and off-duty handguns provided the following conditions are met:

- (a) Officers shall get approval from a Firearms Training Unit Sergeant before mounting any optic to their department-issued handgun, personal handgun used on-duty, or any off-duty handgun.
- (b) Department-issued firearms may not be altered in any way to accept a pistol-mounted optic.
- (c) Any firearm equipped with a pistol-mounted optic must also be equipped with a secondary traditional iron sight system. These iron sights must be of sufficient height to see through the optic.

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- (d) Any officer using a pistol-mounted optic must have a holster designed to accommodate the optic, the make, and model of the handgun. The holster must be Level III retention and must be approved by a Firearms Training Unit Sergeant. Examples of acceptable holsters are the Safariland RDS and the Blackhawk T-series L3D.
- (e) Before utilizing a pistol-mounted optic on-duty, officers shall get approval from a Firearms Training Unit Sergeant and complete an approved pistol-mounted optic transition course.

312.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted:

- (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.

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312.10 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.
- (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*.

312.11 DESTRUCTION OF ANIMALS

Department members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are either not reasonably available, or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CEW, oleoresin capsicum (OC) spray, animal safety officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.12 INJURED ANIMALS

With the approval of a supervisor, a Department member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)).

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

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's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 DEFINITIONS

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

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

314.2 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police Department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

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314.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The 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 (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police Department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated 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 this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

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In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle 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) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

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.

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

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

When involved in a pursuit, unmarked police Department emergency vehicles should be replaced by marked emergency vehicles whenever practicable

Vehicle pursuits should be limited to two vehicles not including a supervisor or K-9 unit; however, the number of units involved may vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

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314.3.1 MOTORCYCLE OFFICERS

When involved in a pursuit, police Department motorcycles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

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 the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The suspected number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

314.3.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary unit and is responsible for:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit as soon as reasonably practicable.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

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- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

314.3.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

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

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 their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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

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

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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 support 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. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

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 RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this Department.

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

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.

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- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this Department.
- (j) Controlling and managing Oxnard Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

314.4.1 WATCH COMMANDER RESPONSIBILITIES

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. Once notified, the Watch Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

314.5 THE COMMUNICATIONS CENTER

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

314.5.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

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 or supervisor 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 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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.

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Oxnard Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

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

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pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this Department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this Department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this Department to assist or take over a pursuit that has entered the jurisdiction of Oxnard Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

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

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

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

314.6.3 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.

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- (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.

314.6.4 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 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.

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314.6.5 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).

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.

314.6.6 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.

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314.6.7 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, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

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 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.

Officers shall not attempt pursuit intervention tactics for which they have not received Department-approved training.

314.7.2 DEFINITIONS

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

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

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

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

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

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Tire deflation device - - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

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 force, including, deadly force and subject to the policies guiding such use. Officers should consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

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1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
 3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The technique should only be used by officers who have received training in the technique. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. It reasonably appears the use of the technique will terminate or prevent the pursuit.
- (e) The use of tire deflation devices should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle. It reasonably appears the use of the device will terminate or prevent the pursuit.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public. It reasonably appears the technique will terminate or prevent the pursuit.

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, or another officer, 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

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

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- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved units and officers.
 - 5. Alleged offenses.
 - 6. Whether a suspect was apprehended, as well as the means and methods used.
 - 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
 - 8. Any injuries and/or medical treatment.
 - 9. Any property or equipment damage.
 - 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Personnel and Training Sergeant shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than one hour annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.

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- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

314.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially, the Ventura County Pursuit Protocol, and upon any amendments. The POST attestation form, or an equivalent form, shall be used to document compliance with the mandated one-hour annual training of this policy and shall be retained in the member's training file.

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.

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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.

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.

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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.

Officer Response to Calls

316.1 PURPOSE AND SCOPE

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

316.2 RESPONSE TO CALLS

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

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

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

316.2.1 EMERGENCY LIGHTS

The momentary use of emergency 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 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify the Communications Center.

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If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, no more than two units should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether more officers driving Code-3 is appropriate.

316.5 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

316.6 COMMUNICATIONS RESPONSIBILITIES

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

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Immediately notify the Watch Commander
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

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- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

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.

316.7.1 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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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")
- (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 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.

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.

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- (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.
- (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:

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- (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.
- (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.

317.8 HELMETS AND SEATBELTS

The operator and all passengers shall wear a DOT- approved safety helmet and seatbelts while operating any department All-terrain vehicle unless in an emergency situation that would require otherwise.

K-9 Unit

318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of K-9's to augment police services to the community including, but not limited to locating individuals and contraband and apprehending criminal offenders.

318.2 POLICY

It is the policy of the Oxnard Police Department that teams of handlers and K-9's meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

318.3 ASSIGNMENT

K-9 teams should be assigned to assist and supplement the field Services Bureau and the Investigation Services Bureau. However, they may be assigned by the Special Operations Commander or Watch Commander to other functions, based on the current operational needs.

K-9 teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time.

318.4 CANINE COORDINATOR

The K-9 coordinator shall be appointed by and directly responsible to the K-9 Unit sergeant or the authorized designee.

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

- (a) Reviewing all K-9 use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency K-9 coordinators.
- (e) Maintaining accurate records to document K-9 activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and K-9's.
- (g) Scheduling all K-9 related activities.
- (h) Ensuring the K-9 teams are scheduled for regular training to maximize their capabilities.

318.5 REQUESTS FOR K-9 TEAMS

Officers members are encouraged to request the use of a K-9. Requests for a K-9 team that is off duty or outside agencies shall be approved by the Special Operations Commander and or the K-9 Sergeant.

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318.5.1 OUTSIDE AGENCY REQUEST

All requests for K-9 assistance from outside agencies must be approved by the Watch Commander or Special Operations Commander and or the K-9 Sergeant and are subject to the following:

- (a) K-9 teams shall not be used for any assignment that is not consistent with this policy.
- (b) The K-9 handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty K-9 teams is discouraged.
- (d) It shall be the responsibility of the K-9 handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the K-9 handler to complete all necessary reports or as directed.

318.5.2 PUBLIC DEMONSTRATIONS

All public requests for a K-9 team shall be reviewed and, if appropriate, approved by the K-9 Sergeant prior to making any resource commitment. The K-9 coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. K-9 handlers shall not demonstrate any apprehension work unless authorized to do so by the K-9 Sergeant.

318.5.3 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 APPREHENSION GUIDELINES

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, is committing or threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest, and the use of a K-9 reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the 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. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a K-9.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a K-9 to apprehend a suspect.

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Use of a K-9 to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander or the Special Operations Commander. Absent a change in circumstances that present an imminent threat to officers, the K-9 or the public, such K-9 use should be conducted on-leash or under conditions that minimize the likelihood the K-9 will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the K-9 as soon as it becomes reasonably practicable.

If the K-9 has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the K-9 to release the suspect.

318.6.1 PREPARATION FOR DEPLOYMENT

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

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the K-9 is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the K-9 is released.
- (g) The potential for the suspect to escape or flee if the K-9 is not utilized.

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

It is the K-9 handler's responsibility to evaluate each situation and determine whether the use of a K-9 is appropriate and reasonable. The K-9 handler shall have the authority to decline the use of the K-9 whenever he/she deems deployment unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the K-9.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the K-9.

318.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a K-9 will be used if the suspect does not surrender should be made prior to releasing a K-9. The handler should allow a reasonable time for a suspect to surrender and should quiet the K-9

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momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the K-9 handler, when practicable, should first advise the supervisor of his/her decision before releasing the K-9. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

318.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a K-9 deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a K-9 use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a K-9, whether on- or off-duty, shall be promptly reported to the K-9 coordinator, K-9 Sergeant and the Special Operations Commander. Unless the incident occurred during training, the K-9 Sergeant shall document, in a memorandum to the Special Operations Commander, any unintended bite or injuries caused by a K-9. The Special Operations Commander will submit a memorandum to the Professional Standards Commander detailing the incident.

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

K-9's used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the K-9 shall be made available for examination at any reasonable time if requested by the local health department. The K-9 handler shall also notify the local health department if the K-9 exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

318.7 NON-APPREHENSION GUIDELINES

Properly trained K-9's may be used for article detection, narcotics detection or bomb/explosive detection. The K-9 handler is responsible for determining the K-9's suitability for such assignments based on the conditions and the particular abilities of the K-9.

318.7.1 ARTICLE DETECTION

A K-9 trained to find objects or property related to a person or crime may be used to locate or identify articles. A K-9 search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

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318.7.2 NARCOTICS DETECTION

A K-9 trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained K-9 in support of probable cause.

A narcotics-detection trained K-9 will not be used to search a person for narcotics unless the K-9 is trained to passively indicate the presence of narcotics.

318.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a K-9 team trained in explosive detection may be considered. When available, an explosive-detection K-9 team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained K-9 be used to render a suspected device safe or clear.

318.8 HANDLER SELECTION

The selection process for the assignment of K-9 handler shall be conducted in accordance with Oxnard Police Department policy 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) 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.

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318.9 HANDLER RESPONSIBILITIES

The K-9 handler shall ultimately be responsible for the health and welfare of the K-9 and shall ensure that the K-9 receives proper nutrition, grooming, training, medical care, affection and living conditions.

The K-9 handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the K-9 to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the K-9 vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned K-9 vehicle should be stored at the Oxnard Police Department's Sturgis facility.
- (e) Handlers shall permit the K-9 coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their K-9 vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the K-9e shall be reported to the K-9 coordinator as soon as possible.
- (g) When off-duty, the K-9 shall be in a kennel provided by the Oxnard Police Department at the home of the handler. When a K-9 is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the K-9 may be let out of the kennel while under the direct control of the handler.
- (h) 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.
- (i) Under no circumstances will the K-9 be lodged at another location unless approved by the K-9 Sergeant or Special Operations Commander.
- (j) When off-duty, the handler shall not involve the K-9 in any law enforcement activity or official conduct unless approved in advance by the K-9 coordinator or Special Operations Commander.
- (k) Whenever a K-9 handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the K-9. In those situations, the handler shall give reasonable notice to the K-9 coordinator so that appropriate arrangements can be made.

318.9.1 K-9 IN PUBLIC AREAS

The K-9 should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the K-9 is trained.

- (a) A K-9 shall not be left unattended in any area to which the public may have access.

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- (b) When the K-9 vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the K-9. The handler shall also ensure that the unattended vehicle remains inhabitable for the K-9.

318.10 K-9 INJURY AND MEDICAL CARE

In the event that a K-9 is injured, or there is an indication that the K-9 is not in good physical condition, the injury or condition will be reported to the K-9 coordinator or Special Operations Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated K-9 veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

318.11 TRAINING

Before assignment in the field, each K-9 team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained K-9 teams or those K-9 teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The K-9 coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department K-9s.

All K-9 training should be conducted while on-duty unless otherwise approved by the K-9 Sergeant or Special Operations Commander.

318.11.1 CONTINUED TRAINING

Each K-9 team shall thereafter be recertified to a current POST, CNCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) K-9 teams should receive training as defined in the current contract with the Oxnard Police Department's K-9 training provider.
- (b) K-9 handlers are encouraged to engage in additional training with approval of the K-9 coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

318.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any K-9 team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the K-9 handler shall be temporarily reassigned to regular patrol duties.

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318.11.3 TRAINING RECORDS

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

318.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of K-9s. Officers possessing, using or transporting controlled substances or explosives for K-9 training purposes must comply with federal and state requirements regarding the same. Alternatively, the Oxnard Police Department may work with outside trainers with the applicable licenses or permits.

318.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection K-9 training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Oxnard Police department to be possessed by the member or a narcotics-detection K-9 trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).

These procedures are not required if the K-9 handler uses commercially available synthetic substances that are not controlled narcotics.

318.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the K-9's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual K-9 handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the K-9 coordinator with a copy forwarded to the dispensing agency.



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- (f) The K-9 coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property Room 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.

318.11.7 EXPLOSIVE TRAINING AIDS

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

Explosive training aids designed specifically for K-9 teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by K-9 teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The K-9 coordinator shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the K-9 team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the K-9 coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Support Dog

319.1 PURPOSE AND SCOPE

This policy provides guidelines for the implementation and utilization of a police support dog, which is not to be confused with a service dog. The Oxnard Police Department Support Dog Program was established to assist department personnel, crime victims, and the community. The department's support dog has been certified through a nationally recognized organization for service dogs. Over a decade of research has shown that support dogs are effective in helping to lower stress and assist with coping skills after a traumatic event.

319.2 DEFINITIONS

Definitions related to this policy include:

Support Dog – A dog trained to provide affection, comfort, and love to people in a facility setting. These dogs are defined, but not covered or protected, under the Federal Housing Act or the Americans with Disabilities Act. Support dogs do not have public access rights, with the exception of the specific places they are visiting and working.

Service Dog – A dog trained to provide a specific service for a person with special needs.

319.3 IMPLEMENTATION

The Chief of Police may authorize the placement of a Support Dog Program. This policy will outline the requirements and limitations before the placement of any support dog can occur. The safety of the employees and civilian visitors and the proper care of the support dog must be insured before and during the implementation of a Support Dog Program. These responsibilities fall to the assigned commander. It is important to note, that the support dog does not have a designated handler and therefore the program relies on the efforts and contributions of all who volunteer to assist.

319.4 QUALIFICATIONS

The support dog must be certified through a nationally recognized organization for service dogs. This requirement is designed to ensure that the behavior, temperament, and obedience of the support dog does not create a danger or a distraction in the workplace. Review and approval of the certification will be conducted by the assigned commander, or a designee, before the placement of any support dog. The commander must provide proof of all vaccinations at the time of placement and maintain such vaccinations as commonly recommended by a veterinarian. The commander, or designee, may require re-certification or testing of the support dog at any time.

319.5 DISQUALIFICATIONS

A support dog may be disqualified or removed from department property, if:

1. Aggressive behavior is observed such as biting, growling, lunging, nipping, or scratching.
2. The dog engages in uncontrolled, disruptive, or aggressive barking.

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3. The dog destroys department or employee property
4. The dog is not being properly cared for.
5. The dog falls into poor health.
6. The dog becomes a distraction to the department's mission, safety, or workload.
7. The dog is urinating or defecating inside the Police Administration Building.
8. The assigned commander deems the dog disqualified.
9. The assigned commander orders removal.

319.6 PROCEDURES AND CARE

1. Any facility with a support dog must place conspicuous signs at the main entrance notifying the public that a dog is on the property.
2. The support dog shall be housed in designated areas of the Police Administration Building away from the visiting public.
 - (a) If a member of the public is visiting with the support dog, a department member shall be present at all times and the dog shall be on a leash.
3. The support dog shall never be allowed into areas where evidence is stored or processed.
4. The support dog shall not be allowed in break rooms or dining rooms.
5. The support dog must be under some general supervision at all times.
 - (a) Areas within the Police Administration Building that are unoccupied for periods of time, during the day or night, are not suitable for a support dog.
 - (b) If a work location is not staffed during nighttime hours, or night staffing is insufficient to care for the support dog, the assigned commander or designee must make arrangements for care and housing elsewhere.
6. One employee on duty at any given time must be willing to assume responsibility for the support dog's care, feeding, and control.
7. An off-duty employee, regardless of classification or rank, who voluntarily accepts responsibility for the support dog, will not be deemed to be on-duty or on-call, simply for caring for the support dog. Employees doing so are not eligible for extra pay or benefits and no special designation or assignment exists related to a support dog.
8. Any employee who witnesses the support dog exhibit any aggressive behavior shall report it to their supervisor immediately.
9. Approval from the Support Dog Program Supervisor, assigned commander, or on-duty Watch Commander, must be obtained before the support dog can be transported from the Police Administration Building for any reason.

Domestic Violence

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

320.2 POLICY

The Oxnard Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this Department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

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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Officer Safety - The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

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 should complete a PC Want and PC Declaration as soon as practicable if the offense involved a weapon, strangulation, or the victim suffered great bodily injury.

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.

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).

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- (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.
 - 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(b). 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.

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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.
- (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

Officers may request a person who is not in lawful possession of the premises to leave when:

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

320.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

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- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up. If the child was a witness or present in the home during a domestic violence incident, a CFS Report shall be completed and turned into the Family Protection Unit.
- (d) When practicable and legally permitted, record all statements and observations.
- (e) All injuries, of suspect and victim, should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Family Protection Unit in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.

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10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim, or suspect.
11. The social status, community status, or professional position of the victim or suspect.

320.4.1 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.

320.4.2 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:

- (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)).

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320.4.3 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 Section 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 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.
 - 2. Remaining or returning to the victim's residence regardless of who holds legal title, or leases the residence.
 - 3. Continuing a specific behavior as described in the order.
- (d)
 - 1.
 - 2.

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- (e) Officers investigating the scene of a current or recent incident 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.
- (f) Officers should consider requesting an EPO if any of the following conditions exist:
 - 1. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim.
 - 2. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists.
- (g)
- (h)
 - 1.
 - 2.

320.4.4 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 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be provided with the Department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

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- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

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 Family Protection Unit 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 RECORDING 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.

Officers shall activate their recording device upon arrival at the scene and record 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.

320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

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.

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- (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.
 - 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 Card 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.

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- (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.

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 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by an officer as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

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

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monthly. It shall be the responsibility of the Crime Analysis Unit 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 the Ventura County Domestic Violence Investigation Protocol)*

Officers responding to Domestic Disturbances that do not involve acts of violence or threats of violence should document the involved parties in the New World Mobile notes. Officers shall use disposition code "137" when clearing Domestic Disturbance calls.

320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officer should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 - 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
 - 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

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

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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 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701).
 - 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

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1. Penal Code § 243(e)(1)
 2. Penal Code § 273.5
 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 4. Penal Code § 646.9 (stalking)
 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers shall make reasonable efforts to identify the dominant aggressor in any incident and are discouraged from making dual arrests. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
1. The intent of the law to protect victims of domestic violence from continuing abuse.
 2. The threats creating fear of physical injury.
 3. The history of domestic violence between the persons involved.
 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

320.10 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

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320.11 RECORD-KEEPING AND DATA COLLECTION

This Department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Division or the Crime Reduction Unit to maintain and report this information as required.

320.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

320.13 PUBLIC ACCESS TO POLICY

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

320.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

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.

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:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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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:

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

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

Temporary Custody of Juveniles

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 members of the Oxnard Police Department (34 USC § 11133).

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

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 the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this Department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

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 they are 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).

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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 themselves, or any unusual behavior which may indicate the juvenile may harm themselves 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:

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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.
- (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 Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the 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

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practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Oxnard Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the 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 (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

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). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

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 taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

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- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

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.
- (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 (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the 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

Members 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) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.

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- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Oxnard Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

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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.

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 themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody

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- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this Department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

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:

- (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) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 - 1. All safety checks shall be logged.
 - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

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- (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.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

324.14.1 MANDATORY RECORDINGS OF JUVENILES

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

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

324.15 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in the supervisor's absence, the Watch Commander.

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

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

- (a) The gravity of the offense
- (b) The past record of the offender
- (c) The age of the offender

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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.
 - 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

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

324.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Field Services Division Commander 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).

324.18 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

324.19 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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 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.
 - (d) The SRO should be prepared to conduct safety and informational presentations to parents, administration and/or students (eg. Anti-bullying, drugs, gangs, active shooter/lockdowns)
 - 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.

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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.
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) To coordinate safety and operational plans for graduation.
 - (b) Attendance at the football games by the SRO is required by the schools unless other arrangements are made with the SRO Sergeant.
 - (c) 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. Officers should also attempt to show a presence at other PAL and department youth events.
 - (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, Every 15 Minutes).

Elder and Dependent Adult Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Oxnard Police Department members as required by law (Penal Code § 368.6).

The Oxnard Police Department is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

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 59 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 59-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, 60 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.

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- (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 POLICY

The Oxnard Police Department will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

326.3.1 ADHERENCE TO POLICY

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief of Police that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to Oxnard Police Department protocols (Penal Code § 368.6(c)(27)).

The Chief of Police shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

326.3.2 ARREST POLICY

It is the Oxnard Police Department's policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

326.4 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.

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- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

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326.4.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

326.5 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all appropriate cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
 - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
 - 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

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- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

326.6 MANDATORY NOTIFICATION

Members of the Oxnard Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
 - 4. When a report of abuse is received by the Oxnard Police Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

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- (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 - 1. When a report of abuse is received by the Oxnard Police Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- (j) When the Oxnard Police Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Family Protection Unit supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

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

Failure to report, or impeding or inhibiting a report of abuse of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

326.6.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.

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

326.7 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adults should be left to the welfare authorities when they are present or have become involved in an investigation.

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

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, the officer should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

326.7.1 EMERGENCY PROTECTIVE ORDERS

In any situation in which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

326.7.2 VERIFICATION OF PROTECTIVE ORDER

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

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- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with Oxnard Police Department procedures.

326.8 INTERVIEWS

326.8.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, the officer should record the preliminary interview with a suspected elder or dependent adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

326.8.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

326.8.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

326.9 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the Family Protection Unit supervisor

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should consider other government agencies or services that may obtain a court order for such an examination.

326.10 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

326.10.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Family Protection Unit supervisor so an interagency response can begin.

326.10.2 SUPERVISOR RESPONSIBILITIES

The Family Protection Unit Sergeant and the Drug Enforcement Unit Sergeant, or their designee should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community-specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the FPU Sergeant, DEU Sergeant, or their designee that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

326.11 FAMILY PROTECTION UNIT RESPONSIBILITIES

The Family Protection Unit is responsible for:

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

326.12 JURISDICTION

The Oxnard Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

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Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this Department will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

326.13 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

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Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, "representative" means a person or entity that is either of the following:
 - 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 - 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- (a) "Isolation" means any of the following:
 - 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

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2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 3. False imprisonment, as defined in Section 236 of the Penal Code.
 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- (b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- (c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- (a) "Neglect" means either of the following:
1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
 2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- (b) Neglect includes, but is not limited to, all of the following:
1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 3. Failure to protect from health and safety hazards.
 4. Failure to prevent malnutrition or dehydration.
 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

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Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
 - 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 - 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 - 4. Incest, as defined in Section 285 of the Penal Code.
 - 5. Sodomy, as defined in Section 286 of the Penal Code.
 - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 - 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - 1. For punishment.
 - 2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 - 3. For any purpose not authorized by the physician and surgeon.

326.14 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Oxnard Police Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.

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- (b) Developing and including department protocols in this policy, including but not limited to the following:
 - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 - 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
 - 3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the department responsible for implementing the protocol.
- (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
- (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
- (f) Ensuring that all members carry out their responsibilities under this policy.
- (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
- (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

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326.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

328.2 POLICY

The Oxnard Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 RETALIATION

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

328.4 RESPONSIBILITIES

This policy applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Director, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

328.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Director, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

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

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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.

328.6 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Child Abuse

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 members are required to notify Ventura County Children and Protective Services 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 CPS is notified as required by law.

330.3 MANDATORY NOTIFICATION

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

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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

330.3.1 NOTIFICATION PROCEDURE

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

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident. The Family Protection Unit will be responsible for forwarding the written report.

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 substantiated cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

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 form and submit the report form to the Family Protection Unit.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

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

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

330.6 PROTECTIVE CUSTODY

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

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

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

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

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- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 - 2. There is no lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify 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.

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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 MEDICAL EXAMINATIONS

If the child has been the victim of sexual abuse requiring medical examination, the responding officers shall contact the Watch Commander. The Family Protection Unit Sergeant will be notified so that arrangements can be made by the victim advocate or detectives to transport the child to the Multi-Disciplinary Center-Safe Harbor for an examination by a Registered Nurse/SART Nurse. If the child has been the victim of abuse that requires a medical examination, detectives should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The detective should also arrange for the child's transportation to MDIC-Safe Harbor.

The Family Protection Unit Supervisor 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 or the person of their choice present during the medicolegal examination. The Family Protection Unit Supervisor shall ensure that the detectives contact the Coalition for Family Harmony, Ventura County's Local Rape Counseling Center, and notify them that an examination will take place. The Coalition will also be advised of the victim's request concerning who they wish to attend the examination. In all cases, the victim shall be provided a document containing victim services information pursuant to §13701 of the Penal Code.

In cases where the alleged offender is the custodial parent or guardian, a Family Protection Unit detective should consider obtaining a court order for such examination.

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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

DEU 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 DEU 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 DEU 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 Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

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

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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:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.

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- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

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

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 an investigation reveals 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 § 14211).

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Family Protection Unit Sergeant should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)

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- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

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 either at-risk or may qualify for a public alert, or both (Policy Manual § 334).
- (d) 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).
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practical, but not later than two hours from the time of the initial report.
- (f) Collect and/or review the following:
 1. A photograph and a fingerprint card of the missing person if available.
 2. A voluntarily provided biological sample of the missing person if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation such as court orders regarding custody.

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- 4. Any other evidence that may assist in the investigation, including personal electronic devices (i.e. cell phones, computers).
- (g) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (h) Contact the appropriate 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.

332.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Division.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS DIVISION RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
- (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.

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- (d) Forward a copy of the report to the Missing Persons Specialist.
- (e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

332.7 INVESTIGATIVE BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the locating employee shall document the location of the missing person in the appropriate report. The completed report shall be forwarded to the Records Division. The locating employee shall notify the relatives and/or reporting party, as appropriate, and other involved agencies. This Missing Persons Specialist shall refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) Entries are made in the applicable missing person networks.
- (c) Immediately notify the Attorney General's Office
- (d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

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 is 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 and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

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, Patrol Supervisor, 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 Center
- (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 RESPONSIBILITIES

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 Patrol Supervisor, Major Crimes Supervisor, Watch Commander or ISB Commander 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.
 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.

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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 Center 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).

Employees of the Oxnard Police Department should notify their supervisor, Watch Commander, Investigations Commander as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media or public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

334.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

334.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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.

334.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

334.8.1 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

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334.8.2 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

334.9 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the traffic investigator or traffic supervisor has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

334.9.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The traffic investigator or traffic supervisor has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 - 1. The complete license plate number of the suspect's vehicle.
 - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
 - 3. The identity of a suspect.
 - 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

334.9.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

334.10 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

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334.10.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.10.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

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 members 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 shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the 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 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Oxnard Police Department jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

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.

336.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

336.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- (d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check

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on an offender's custody status and to register for automatic notification when a person is released from jail.

- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number, and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

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

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

Hate Crimes

338.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

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

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

338.2 POLICY

The Oxnard Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

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338.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this Department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

338.4 INVESTIGATIONS

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

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
 - 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 - 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
 - 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.

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- (g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.
- (h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

[Officers/Deputies [\[SJ1\]](#)] should contact the property owner to remove any evidence [\[SJ2\]](#) that cannot be physically removed by the [officer/deputy] once the offense is documented such as painted words or signs on a wall.

[\[SJ1\]](#)POST

[\[SJ2\]](#)This covers mitigating the impact

338.4.1 INVESTIGATIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Violent Crimes Unit, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Make reasonable efforts to identify additional witnesses.
- (d) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).
- (e) Provide the supervisor and the Community Affairs Manager (PIO) with information that can be responsibly reported to the media.
 - (a) When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

338.4.2 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

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- (b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that the Crime Analysis Unit has the necessary information and statistical data to track suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code Section 13023).
- (e) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

338.5 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 or designee 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.

Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Oxnard Police Department and are expected of all Department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this Department or a member's supervisors.

340.2 POLICY

The continued employment or appointment of every member of the Oxnard Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

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.
- (n) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

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.

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- (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.
- (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

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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 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.

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- (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.

340.3.7 SECURITY

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

340.3.8 SUPERVISION RESPONSIBILITY

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (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 promptly and fully report any known misconduct of an employee to his/her immediate supervisor, or to document such misconduct appropriately or as required by policy.
- (c) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (d) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

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- (e) 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.

Information Technology Use

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

342.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Oxnard Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

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

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

342.2 POLICY

It is the policy of the Oxnard Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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However, the Department may not require a member to disclose a personal username 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).

342.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

342.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

342.4.2 HARDWARE

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

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342.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

342.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

342.5 PROTECTION OF AGENCY SYSTEMS AND FILES

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

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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 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 professional staff 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 Personnel and Training Sergeant. Employees accessing the LInX database may only do so for official law enforcement investigative purposes.

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.

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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.

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 for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.1.2 REPORT PRIORITY LEVELS

Officers take reports under a variety of situations and circumstances. The timeliness of when the report is fully completed and merged into the records management system will depend on the circumstances of the case involved. Officers should use the following guidelines when prioritizing his/her reports:

- (a) Priority Level 1 - In custodies, homicides, and 5150 W&I.
- (b) Priority Level 2 - Non-arrest reports with investigatory leads.
- (c) Priority Level 3 - Cite book arrests.
- (d) Priority Level 4 -All other reports.

344.1.3 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.

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This section shall not apply to Priority Level 1 reports, which shall be completed prior to the completion of the employee's shift.

This section does not apply to those reports associated with investigator case supplemental 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.

344.1.4 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 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.

344.2 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

When an officer responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - (a) Use of Force Policy
 - (b) Domestic Violence Policy
 - (c) Child Abuse Policy
 - (d) Senior and Disability Victimization Policy
 - (e) Hate Crimes Policy
 - (f) Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report
- (f) Non-fatal overdoses when contraband is seized as evidence

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Misdemeanor crimes where the victim does not desire a report shall be documented using the Department-approved alternative reporting method (e.g., dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (b) Any firearm discharge (see the Firearms Policy)
- (c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (d) Any found property or found evidence
- (e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor
- (j) Non-fatal overdoses when contraband is seized and booked for destruction

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.
- (f) Fatal overdoses

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.

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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

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 Records Division shall notify the California Department of Public Health (CDPH) of the incident, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

344.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Trade Commission (FTC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

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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

If supervisors review reports for content and accuracy and notice 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 Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

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.

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- (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."

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 corporal 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.

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. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Community Affairs Managers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

346.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

346.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

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346.3.2 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

346.4 POLICY

It is the policy of the Oxnard Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

346.5 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 media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

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

346.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this Department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.
- (c) Under no circumstance should any member of this Department make any comments to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

346.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

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346.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

346.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the Department website or other electronic data sources.

346.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this Department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

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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.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated Department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Oxnard Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

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.

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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. 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.

- (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)).

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- (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 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.

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- (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 for a criminal court case, 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.
- (c) Subsequent occurrences within a 12-month period - may result in progressive disciplinary action that may include a suspension without pay.

If the employee does not have a valid reason for being late or failing to appear for a traffic court case, 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 a verbal counseling or an inspection report.
- (b) Second occasion within a 12-month period - the employee will receive an inspection report.
- (c) Third occasion within a 12-month period - the employee will receive a letter of reprimand that will be placed in the employee's Personnel File.
- (d) Subsequent occurrences within a 12-month period - may result in progressive disciplinary action that may include a suspension without pay.

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.

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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.

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

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- (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.

- (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.

Complaint Request Evaluation (CRE) Process

349.1 PURPOSE AND SCOPE

The Oxnard Police Department is responsible to the residents, visitors, and community members of the City of Oxnard to follow investigations to their conclusion. A portion of this responsibility includes completing Complaint Request Evaluations (CRE), which are completed in concert with the Ventura County District Attorney's Office.

349.1.1 DEFINITIONS

Response - Acknowledgement of the CRE, via email.

Completion - Completing the CRE request.

349.2 COMPLAINT REQUEST EVALUATIONS

Employees who receive a CRE related to their employment with this department are subject to this policy's provisions. Employees should be aware that their compliance is mandatory in all cases they have been appropriately notified. Employees are to cooperate with the prosecution to ensure the professional conclusion of a case.

349.2.1 NOTIFICATION OF CRE

Notification of a CRE may be accomplished by personal service of the employee or via email. The Court Liaison Officer will obtain all CREs ready for law enforcement notification. The CRE will be electronically sent to the employee, their immediate supervisor, and the Crime Reduction Unit (CRU) supervisor. CRE service will also be acceptable by the Court Liaison Officer, or their designee, when necessary.

349.2.2 VALID CRE

No CRE notification shall be accepted for an employee of this department unless appropriately verified to have originated from a recognized legal authority.

349.2.3 INVALID CRE

In the event that the CRE notification requests information that has already been completed during the initial investigation, or, was sent to the incorrect employee, the employee receiving the CRE will email their supervisor and cc the Court Liaison Officer, along with the CRU supervisor outlining the details.

In circumstances where a CRE was previously completed, an investigator or supervisor will contact the DA who issued the CRE. That correspondence may occur via phone, but shall be documented by email and sent to the Court Liaison Officer, detective's supervisor, and the CRU supervisor. In circumstances where the Court Liaison Officer sent the CRE to the incorrect employee, the Court Liaison Officer will assign the correct employee the CRE, cc their supervisor and issue a new three (3) week timeline for completion.

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Any other issues regarding repeated or invalid CRE requests from the DA's office will be identified by the Court Liaison Officer and forwarded to the CRU Supervisor. The CRU Supervisor will review any repeated or invalid CRE requests and coordinate with the DA's office and the ISB Commander as necessary.

Concerns, questions, or problems with any CRE shall be directed to the employee's supervisor receiving the CRE and the CRU sergeant.

349.2.4 ACCEPTANCE OF CRE

Once issued to the employee, the CRE will be responded to by the employee within one (1) week of the initial email acknowledging receipt of the CRE. The response from the employee will be cc'd to the employee's supervisor and the Court Liaison Officer.

In circumstances where the employee cannot respond to the CRE within the one (1) week timeline, the employee's supervisor will be responsible for responding to the CRE with an updated email to the Court Liaison Officer, cc'd to the CRU supervisor, containing an updated response timeline.

349.2.5 COMPLETION OF CRE

The CRE will contain a due date of three (3) weeks from the initial email. Employees receiving a CRE shall complete the CRE within three (3) weeks unless the employee has a valid reason for not completing the CRE.

Valid reasons for an employee not completing a CRE during the three (3) weeks due date include illness, vacations, which have been scheduled and approved, during receipt of the CRE. It shall become the responsibility of the employee's supervisor to notify the Court Liaison Officer and the CRU supervisor of the bona fide unavailability of the employee.

If the employee is unable to complete the CRE because of prolonged illness, the Court Liaison Officer will assign the CRE to the commensurate detective unit supervisor for completion. Once re-assigned, the CRE will be given a new three (3) week timeline for completion.

349.2.6 FAILURE TO COMPLETE THE CRE

When the CRU supervisor is notified that an employee of the Police Department has failed to complete the CRE, the CRU supervisor will check with the Court Liaison Officer to ensure that the employee was properly notified.

The CRU supervisor will contact the employee's supervisor and commander via email to determine whether there was a valid reason for the employee failing to complete the CRE as scheduled. Afterward, the employee will be re-issued the CRE, with an additional one (1) week completion timeline. Any additional failures to complete the CRE by the assigned deadline will result in a new one (1) week completion timeline.

349.2.7 FAILURE TO COMPLETE CRE ACTIONS

The Office of Professional Standards will maintain a record of employees who fail to complete assigned CREs as requested. Each occasion where a CRE is not completed by the assigned deadline will be considered a separate incident.

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Failures to complete CRE's by the assigned deadline, without a valid reason, will result in progressive disciplinary action. The progressive disciplinary actions may be modified based upon other instances of employee misconduct.

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 AND 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. The minimum training requirements for reserve officers are established by the California Commission on Peace Officer Standards and Training(POST) and outlined in Commission Regulation 1007(a).

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST certified Regular Basic Academy(academy) or a Basic Course in the modular or extended format.

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 UNIFORM AND EQUIPMENT FOR POLICE RESERVE OFFICERS

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. Reserves shall receive a yearly uniform allowance of uniforms equal to that of regular officers.

Reserve officers shall conform to all uniform regulations and appearance standards for the Department.

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 while performing the same duties). Therefore, the Reserve Coordinator should consult the Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

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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. The duties and deployment of reserve officers should be in compliance with the operative Memorandum of Understanding (MOU) for the OPOA. Reserve officers are generally required to work a minimum of 16 hours per month.

350.3.1 POLICY COMPLIANCE

Reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

350.3.2 RESERVE OFFICER CLASSIFICATIONS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee. Reserve officers are subordinate to regular full-time officers, and in most circumstances, shall work under the immediate direction and supervision of regular officers of this Department.

There are three (3) classification (levels) of reserve officer as set forth in Penal Code §832.6. Reserve officers may be deployed in a variety of assignments based on their reserve classification (Level I, Level II, Level III), training, experience.

Level I - Refers to a sworn reserve officer trained as described in Penal Code §832.6(a)(1) who has successfully completed the POST Basic Course in either the standard format or the modular format (727 hours: Module III, II, I), and successfully completed all requirements for the classification of Level I (non-designated), to include Filed Training. A Level I reserve officer may perform general law enforcement assignments only while under the immediate supervision of a full-time officer until they have successfully completed the Department's POST approved Field Training Program (400 hours minimum). Once completed, this level of reserve may be assigned to work alone or supervise Level III reserve officers if prior approval is obtained as described in the Special Authorization Requirements section of the Police Manual. Level I peace officer authority is only for the duration of the reserve's specific on-duty assignment.

Level II - Refers to a sworn reserve officer trained as described in Penal Code § 832.6(a)(2), who has successfully completed modules III and II of the POST Basic Course (333 hours), and successfully completed all Department requirements for the designation of Level II. A Level II reserve officer may perform general law enforcement assignments only while under the immediate supervision of a full-time officer. A Level II reserve officer may perform limited support duties such as traffic control, evidence transportation, and duties not likely to result in a physical arrest without immediate supervision. Level II peace officer authority is only for the duration of the reserve's specific on-duty assignment.

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Level III - Refers to a sworn reserve officer trained as described in Penal Code § 832.6(a)(3), who has successfully completed Module III of the POST Basic Course (144 hours), and successfully completed all Department requirements for the designation of Level III. Level III reserve officers shall be supervised in the accessible vicinity by a full-time regular officer and/or a Level I reserve officer (with Special Authorization). A Level III reserve officer may perform limited support duties not requiring general law enforcement powers in their routine performance. Those limited support duties shall include traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers may transport prisoners without immediate supervision. Level III peace officer authority is only for the duration of the reserve's specific on-duty assignment.

350.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve officer performance
- (f) Monitoring overall Reserve Officer Program
- (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 coordination and deployment of reserve officers.
- (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 reserve officers.

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- (h) All other duties as assigned.

350.4 FIELD TRAINING

The California Commission on Peace Officers Standards and Training (POST) and Penal Code § 832.6(a)(1) requires Level I reserve officers to complete field training (400 hour minimum) prior to being released from the "immediate supervision" requirement. Level II and Level III reserves are generally encouraged to participate in field training but not required by POST regulations.

350.4.1 TRAINING OFFICERS

Upon completion of the POST Basic Course in either the standard format or the modular format (Module III, II, I), Level I reserve officers will be assigned to a primary training officer. The primary training officer will be an Assistant Reserve Coordinator who is a POST certified Field Training Officer (FTO). Officers of this department, who demonstrate a desire and ability to train reserve officers, may train Level III and Level II reserves, subject to Watch Commander approval.

350.4.2 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.

350.4.3 PRIMARY TRAINING PHASE

The Level I 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.

350.4.4 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer from the FTO Program.

350.4.5 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. 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.

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350.4.6 COMPLETION OF THE FORMAL TRAINING PROCESS

When a Level I 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 training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

350.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). 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 the Field Services 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 Field Services Bureau Chief, be relieved of the "immediate supervision" requirement. Level 1 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 Field Services 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 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 Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

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350.5.5 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 their 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, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Oxnard Police Department.

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 the firearms training section of the Policy Manual. Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

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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 Officers and Corporals 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

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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.

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 Personnel and 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.

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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/CBD Police Officers and Corporals 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).
 2. Interested Police Officers 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 bank 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

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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.
- (b) Attending regularly scheduled meetings.
- (c) Being effective trainers.

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 §1046.5 (f) 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.

Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

352.2 POLICY

It is the policy of the Oxnard Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

352.3 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]. [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]. [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 number will be provided. The Duty Chief will be notified when mutual aid is requested by the on-duty Oxnard Police Department Watch Commander.

352.4 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

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The Personnel and Training Sergeant should maintain documentation that the appropriate members have received the required training.

352.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

352.6 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

352.7 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

352.7.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Oxnard Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

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 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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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 (; 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 (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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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

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

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Oxnard Police Department's website. Information on sex registrants placed on the Oxnard Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

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

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

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

356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

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 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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358.3.3 TRAFFIC UNIT NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified, who will then contact the appropriate collision investigator. The Traffic Sergeant will notify the Special Projects Commander.

358.3.4 COMMUNITY AFFAIRS MANAGER (PIO)

The Community Affairs Manager shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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 (e.g., decapitated, decomposed). 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 Medical Examiner to inquire into and determine the circumstances, manner and cause of certain deaths. 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 Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

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

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.

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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 Investigations Bureau shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)). This information should include the following:

- (a) Date and time of accident/event
- (b) Employer's name, address and telephone number
- (c) Name and job title of the person reporting the accident
- (d) Address of accident/event site
- (e) Name of person to contact at accident/event site
- (f) Name and address of injured employee(s)
- (g) Nature of injuries
- (h) Location where injured employee(s) was/taken for medical treatment
- (i) List and identity of other law enforcement agencies present at the accident/event site
- (j) Description of accident/event and whether the accident scene or instrumentality has been altered

Information on the nearest Cal-OSHA office can be found at: <http://www.dir.ca.gov/dosh/>

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

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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) 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.
- (f) The reporting officer should inform victims of available theft resources such as www.identitytheft.gov. & www.idtheftcenter.org. along with contact information for the three credit bureaus.
 - (a) Experian: 1-888-397-3742 or at experian.com/fraud/center.html

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- (b) Equifax: 1-800-525-6285 or at alerts.equifax.com
- (c) TransUnion: 1-800-680-7289 or at transunion.com

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.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 1. Take the individual into physical custody for booking.
 2. Release the individual pursuant to a Notice to Appear.
 3. Release the individual pursuant to Penal Code § 849(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.

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.

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- (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 (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
 - 1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
 - 2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

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

368.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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to Federal Financial Assistance Recipients available at the DOJ [website](#) in determining which measures will provide reasonable and meaningful access to 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.

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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 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.

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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.

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 Human Resources Department 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.

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368.4.4 INVESTIGATIVE INTERVIEWS

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

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

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

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.6 COMPLAINTS

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

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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 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.

- (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 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 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:

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- (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.

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- (b) Provide the Interpreter specific questions to relay. Group thoughts or questions to help the conversation flow quickly.
- (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.

Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.2 POLICY

It is the policy of the Oxnard Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

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 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Administrative Services Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City regarding the Oxnard Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

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- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

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 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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.

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While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

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

Employees providing such assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

- (a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- (b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.
- (c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.

370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

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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 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Oxnard Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

Mandatory Employer Notification

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.

372.2 POLICY

The Oxnard Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

372.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

372.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

372.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

372.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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372.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

372.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Biological Samples

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

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

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

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 Oxnard Police 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

The patrol sergeant, detective sergeant, commander, or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

374.6.2 BLOOD SAMPLES

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

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- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

374.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

Chaplains

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Oxnard Police Department chaplains to provide counseling, spiritual, or emotional support to members of the Department, their families and members of the public.

376.2 POLICY

The Oxnard Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

376.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.
- (g) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

376.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Oxnard Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the [agencyHead] and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the [agencyHead].

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Chaplains are volunteers and serve at the discretion of the [agencyHead]. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the [agencyHead] or the authorized designee.

376.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform..

Chaplains will be issued Oxnard Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Oxnard Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

376.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.

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- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

376.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Services Bureau . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

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

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Oxnard Police Department. This does not preclude a chaplain from accepting an honorarium for services provided outside of his duties as a chaplain.

376.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

376.7.2 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 has approved the activity.
- (c) Chaplains shall not be evaluators of members of the Department.
- (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 the authorized designee.
- (g) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/

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her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

- (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.

376.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

376.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

376.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.

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- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

376.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

376.8 PRIVILEGED COMMUNICATIONS

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Oxnard Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

376.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Personnel and Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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376.9.1 ON-CALL POLICE CHAPLAINS

- (a) As volunteers with his/her own personal and professional commitments, the Chaplains are not mandated to be on-call ever 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.
- (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.

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376.9.2 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.
- (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.

376.9.3 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 or [REDACTED].

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.

Public Safety Video Surveillance System

378.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of Department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

378.2 POLICY

The Oxnard Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

378.3 OPERATIONAL GUIDELINES

Only Department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

378.4 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the Department's established records retention schedule. Prior to destruction, written consent shall be obtained from the City Attorney. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

378.5 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Oxnard Police Department.

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Requests for recorded video images from the public or the media shall be processed in the same manner as requests for Department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established Department subpoena process.

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.

378.9 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

378.10 TRAINING

All Department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures,

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including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this Department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

380.2 POLICY

It is the policy of this Department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Oxnard Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING

The Personnel and Training Sergeant is responsible to ensure that all personnel of this Department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

382.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

382.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

382.2 POLICY

It is the policy of the Oxnard Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Oxnard Police Department affords to all members of the public (28 CFR 35.136).

382.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

382.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

382.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

382.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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.

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 Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

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

386.4 DECISION TO INTERVENE

[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

386.4.1 INTERVENTION PROCEDURE

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

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an 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 PROFESSIONAL STAFF RESPONSIBILITIES

Professional Staff personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.

Department Use of Social Media

388.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the Department's Core Values and mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Department members (see the Employee Speech, Expression and Social Networking Policy, section 1058).
- Use of social media in personnel processes (see the Recruitment and Selection Policy, section 625).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Department.

388.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the Department website or social networking services

388.2 POLICY

The Oxnard Police Department may use social media as a method of effectively informing the public about Department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that respects the rights of others.

388.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only Department-approved equipment during the normal course of duties to post and monitor Department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not conform to the guidelines in this policy should be approved by a supervisor prior to posting.

Requests to post information over Department social media by members who are not authorized to post should be made through the member's chain of command.

388.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Department mission and conforms to all Department policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) General announcements. such as community events or department events.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information from the public.
- (d) Requests that ask the community to engage in projects that are relevant to the Department mission.
- (e) Timely safety information related to police activity, in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) News releases.
- (h) Recruitment of personnel
- (i) Community engagement related events and activities
- (j) Recruitment of personnel.

388.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Community Affairs Manager or the authorized designee will be responsible for the compilation of information to be released.

388.5 PROHIBITED CONTENT

Department employees are prohibited from posting content that includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Oxnard Police Department or its members.
- (e) Any information that could compromise the safety and security of Department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.
- (h) Any content that engages in political activity, such as promoting a political figure.
- (i) Any content that depicts firearms being pointed at members of the public.
- (j) Booking photos of misdemeanor arrests, unless authorized by a Bureau Chief.
- (k) Photographs that clearly identify persons in field detentions.

Any member who becomes aware of content on this Department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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Department Use of Social Media

388.6 MONITORING CONTENT

The Chief of Police will appoint staff to review, at least annually, the use of Department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

388.7 RETENTION OF RECORDS

The Department's Custodian of Records should ensure that public records generated in the process of social media use are retained in accordance with established records retention schedules.

388.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on Department sites.

Gun Violence Restraining Orders

389.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

389.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

389.2 POLICY

It is the policy of the Oxnard Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

389.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

389.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

389.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160). A hearing will be scheduled by the Ventura County Superior Court within 21 days and notification will be made to the served party.
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to Records Bureau for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

389.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

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[REDACTED]

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[REDACTED]

[REDACTED]

389.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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389.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (a) Record the individual's name, address and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- (e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

389.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

389.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by Department members, also including procedures for requesting and serving (Penal Code § 18108):
 - 1. A temporary emergency gun violence restraining order.
 - 2. An ex parte gun violence restraining order.
 - 3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 - 2. Whether the potential victim is within close proximity.
 - 3. Whether the person has expressed suicidal tendencies.
 - 4. Whether the person has access to firearms.
 - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 - 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.

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7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
 2. Forwarding orders to the records bureau for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

389.10 TRAINING

The Personnel and Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

389.11 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Violent Crimes and Family Protection Unit supervisors are responsible for the review of gun violence restraining orders obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190). The Family Protection Unit supervisor is responsible for all domestic violence and mental health related cases. Cases not related to domestic violence or mental health are handled by the Violent Crimes Unit supervisor.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other bureaus or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with Department policies and applicable laws. Members are encouraged to share information with other units and bureaus.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 POLICY

The Oxnard Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and Department members.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Oxnard. The function of patrol is to respond to calls

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Patrol Function

for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- (h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (i) Directing and controlling traffic.

Neighborhood Policing Team

401.1 PURPOSE AND SCOPE

To define purpose of the Neighborhood Policing Team (NPT), in addition to the the roles and responsibilities of the District Coordinator and NPT Sergeant..

401.2 NEIGHBORHOOD POLICING TEAM

The purpose of the NPT is to serve as a progressive policing unit whose strategies place emphasis on reducing crime, improving traffic safety, strengthening community partnerships, and increasing neighborhood problem-solving. The NPT will place emphasis on crime prevention strategies, such as looking for root causes to problems that contribute to crime and disorder.

401.3 ROLES AND RESPONSIBILITIES

The responsibilities of the Neighborhood Policing Team members are focused on District Coordinators, the NPT Sergeant, and District Commanders. The responsibilities for the positions are described in greater detail, below.

District Coordinator

The primary function of the District Coordinator is to coordinate problem-solving efforts to address issues related to crime, traffic, and quality of life within their assigned district, an area which consists of a group of police beats. This is accomplished by providing instruction and direction to assigned beat officers, other Department units, other City departments, outside agencies, as well as working with Oxnard residents and community groups.

This position is typically held by a Police Corporal, though a Police Officer II may be assigned on a temporary basis if necessary. District Coordinators are appointed to their assignment by the Field Services Bureau Chief.

The following describes what shall generally be expected of a District Coordinator:

- Having detailed knowledge of crime trends, traffic issues, and quality of life concerns in the assigned district.
- Applying COPPS strategies to district-level problems.
- Leading the application of COPPS strategies to district problems.
- Providing direction to assigned district officers.
- Identifying and addressing repeat call locations and high crime areas ("hotspots"), and effectively applying solutions that identify the source of problems.
- Coordinating efforts to address traffic safety in the assigned district.
- Identifying, communicating with, and maintaining partnerships with community organizations, neighborhood leaders, schools, churches, property owners, and businesses in the assigned district.
- Identifying and building trust with under-represented segments of the community.

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Neighborhood Policing Team

- Collaborating with other districts to collectively address larger-scale problems.
- Working with the NPT sergeant to set measurable goals, objectives, and priorities for the district and beats within it.
- Establishing and maintaining on-going communication with district team members.
- Promoting the furtherance of neighborhood efforts to establish and maintain viable neighborhood communication networks, such as neighborhood watch efforts.
- Supporting, assisting, or coordinating efforts related to special events in the assigned district.
- Leading and participating in crime prevention efforts and outreach within the district.
- Employing a variety of outreach and communication methods to engage the community, including effective use of social media.
- Assisting with the development of a leadership and training plan for District Coordinators as well as Department-wide COPPS training.
- Providing feedback to supervisors concerning beat officer participation in problem-solving efforts.
- In the sergeant's absence, completing staff work such as timesheets, managing the team's work schedule, and operating storefronts / drop-in centers.
- Periodically assisting with watch commander and field supervisory coverage, such as during staff meeting days, or when a supervisor is not available.

Neighborhood Policing Team Sergeant

The primary function of the Neighborhood Policing Sergeant is to lead and supervise a designated group of officers who serve on the Neighborhood Policing Team.

The Neighborhood Policing Sergeant will supervise and coordinate citywide problem-solving efforts to address issues related to crime, traffic, and quality of life. This is accomplished by providing direction to the assigned team, district, other Department units, and working with other City departments, outside agencies, community groups, and residents.

The Neighborhood Policing Sergeant will have the following general responsibilities:

- Supervising the day-to-day operations of NPT officers.
- Applying COPPS strategies to beat problems across the City.
- Having knowledge of citywide crime trends, traffic issues, and quality of life concerns.
- Ensuring that repeat call locations and high crime areas ("hotspots") are being identified, and resources are being effectively allocated to address them.
- Establishing and maintaining partnerships with various community organizations and stakeholders.
- Regularly attending neighborhood and community meetings / functions in support of COPPS strategies and community partnerships.

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Neighborhood Policing Team

- Promoting the furtherance of neighborhood efforts to establish and maintain viable neighborhood communication networks, such as neighborhood watch programs.
- Participating in, and ensuring that crime prevention and public awareness efforts are coordinated and effective.
- Ensuring that prompt efforts are being made to address resident concerns.
- Ensuring the involvement of other Department units in problem-solving efforts.
- Establishing and maintaining partnerships with other City departments and public agencies.
- Evaluating the effectiveness of crime suppression efforts and community outreach efforts.
- Ensuring that the NPT is being attentive to service call levels, assisting the Patrol Division as needed.
- Identifying performance measures, goals, and objectives for COPPS efforts.
- Ensuring that District Coordinators are meeting their responsibilities, and working towards meeting performance objectives.
- Ensuring that performance measures are met.
- Developing a training plan for Department-wide COPPS training.
- Completing staff work such as completing timesheets, managing the NPT work schedule, and operating storefronts / drop-in centers.

401.4 NPT CHAIN OF COMMAND

The operational chain of command for the NPT is described below:

- (a) District Coordinators are placed under the direction of the NPT sergeant.
- (b) The NPT Sergeant shall report to the NPT Commander.
- (c) Patrol District Commanders report to the Field Services Bureau Chief, who in turn reports to the Chief of Police.

One designated commander shall hold a collateral assignment as the Neighborhood Policing Team Commander. This commander shall oversee programmatic aspects of the NPT, which are described below.

Patrol District Commanders shall be responsible for overseeing the community policing and problem-solving efforts within their assigned districts. They are also responsible for coordinating efforts with the NPT Commander.

401.5 THE ROLE OF THE NEIGHBORHOOD POLICING COMMANDER

The role of the Neighborhood Policing Team Commander is to oversee the programmatic functions of the NPT. The NPT Commander shall coordinate NPT-related efforts with other members of the command staff, including the Patrol District Commanders, to ensure consistency in practices.

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Neighborhood Policing Team

The NPT Commander may also have responsibilities for a policing district. Other responsibilities include:

- (a) Ensuring the development of policies and procedures related to the NPT.
- (b) Tending to NPT programmatic functions that impact the entire strategy.
- (c) Ensuring the development and maintenance of leadership and training plans for District Coordinators, as well as Department-wide COPPS training.
- (d) Leading NPT strategy development.
- (e) Coordinating special activities and programs.
- (f) Providing regular reports to the Field Services Bureau Chief.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to Department members that affirms the Oxnard Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITION

Definitions related to this policy include:

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 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, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

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Bias-Based Policing

402.4 MEMBER RESPONSIBILITIES

Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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.

402.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in Policy Manual § 500.

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this Department who discloses information concerning bias-based policing.

402.6 TRAINING

Training on bias-based profiling and review of this policy should be conducted as directed by the Personnel and Training Unit.

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- (a) All sworn employees of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of 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 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)*).

402.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Bureau Commander and the Records Manager or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

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 Department approved 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:

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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.
- (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 should 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 may include a timed qualification ride.
 2. An interview may be given to applicants by an oral panel or the Bicycle Patrol Team Commander.
- (h) Post-Selection:
 1. Upon selection to the Bicycle Patrol Team, the officer must successfully complete a Department approved bicycle patrol course.
 2. Upon selection to the Bicycle Patrol Team, the officer must successfully complete scheduled re-qualification courses.

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.

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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.

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.

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 Training

404.1 PURPOSE AND SCOPE

Briefing provides an opportunity for important exchange between members 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 or 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.

Mandated Patrol Overtime

405.1 PURPOSE AND SCOPE

Establish guidelines for mandating patrol overtime.

405.2 DEFINITIONS

Anticipated Overtime - Occurs when vacations, IOD, or training necessitates backfilling with officers. This should be forecasted prior to the start of a patrol cycle.

Unanticipated Overtime - Occurs when posted overtime slots remain unfilled, and/or patrol staffing levels drop due to unforeseen circumstances, such as injury or illnesses that occur up to 3 days before the shift.

405.3 ANTICIPATED OVERTIME/BACKFILL

(a) Prior to the beginning of each patrol cycle (generally 2-3 weeks out), the scheduling commander, or his/her designee, will evaluate the staffing levels.

(b) Overtime may be posted to ensure that all shifts are adequately staffed.

(c) Any overtime slots that are not staffed seven (7) days prior to the beginning of the cycle, the watch commander, or his/her designee, will refer to the "Mandate List" and select eligible officers to work the vacant shifts. Each time an officer is mandated to work a shift, the officer's name will be moved to the bottom of the "Mandate List."

(d) Officers who volunteer to work posted patrol overtime shifts will receive credit for overtime shifts worked. Their names will be moved to the bottom of the "Mandate List" each time they sign up for a patrol overtime shift.

(e) The officer will be notified in accordance with Policy Manual 405.5 (see below).

(f) Officers must work their mandated shift or seek a replacement. The officer who works the mandated shift will receive credit for working the hours.

405.4 UNANTICIPATED OVERTIME/BACKFILL

(a) The day shift watch commander, or his/her designee, will assess staffing levels up to 3 days in advance to ensure that all patrol staffing positions are adequately filled.

(b) When staffing is below adequate levels, the watch commander, or his/her designee, will check for posted and filled overtime slots.

(c) If the vacant positions are not filled, the watch commander, or his/her designee, will refer to the "Mandate List" and select eligible officers to work the vacant slots.

(d) The officer will be notified in accordance with Policy Manual 405.5 (see below).

(e) Officers must work their mandated shift or seek a replacement. The officer who works the mandated shift will receive credit for working the hours.

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(f) Except for in an emergency situation*, an unanticipated overtime shift will consist of a minimum of eight hours.

*An emergency situation is defined as a situation that is out of the norm requiring immediate staffing to ensure the public's safety and minimum staffing or in preparation of events requiring additional resources. Emergency circumstances are usually temporary in nature and short in duration. Should an emergency require prolonged attention, the Police Chief shall seek other reasonable alternatives to overtime work as soon as practical.

405.5 UNANTICIPATED OVERTIME/HOLDOVER

(a) The on-duty watch commander may require officers to remain after their shift in order to ensure adequate patrol staffing.

(b) Officers may be mandated after an attempt to seek volunteers.

(c) The determination to holdover an officer for the maximum allowable period will be based on previous mandates and the "Mandate List." Also taken into consideration may be prior after-shift commitments and regular days off.

(d) Holdover shifts will not cause the officer's name to be placed at the bottom of the "Mandate List" unless the holdover shift is at least eight hours.

405.6 GENERAL FACTORS THAT AFFECT MANDATES

(a) The "Mandate List" will be established at the beginning of each patrol shift rotation and will reset at the commencement of the next patrol shift rotation.

(b) The "Mandate List" will be available for review.

(c) The "Mandate List" will be based upon:

1. Eligible Police Officers and Corporals assigned to the Field Services Bureau, and
2. Seniority in rank

(d) An officer may be mandated to work any shift on any of his/her regularly scheduled days off.

(e) Except in very limited circumstances, employees should have a minimum of eight hours off between shifts.

(f) Officers will not be mandated to work a day that falls between two periods of previously scheduled vacation days.

(g) Officers mandated to work will be notified via email, department-issued cellphone and personal contact (if possible). The officer's supervisor will also be sent a copy of the email.

(h) Officers who, after receiving proper notification, fail to appear for a mandated overtime shift without a valid reason will be subject to discipline.

(i) Except for in an emergency situation, no officer will be mandated for a shift unless the shift's staffing level falls below the minimum.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Oxnard Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Tactical Alert Plan

407.1 PURPOSE AND SCOPE

To establish a policy formalizing response levels to catastrophic incidents. This plan is a basis by which patrol resources will be deployed in the event of a natural disaster or any incident declared by the Chief of Police that warrants a tactical response.

To provide guidance and procedures for involved personnel.

407.2 METHOD

Due to the inherent nature of most catastrophic incidents such as an earthquake, flood, civil unrest, or other major unusual occurrence, existing patrol resources are often diminished responding to the event. Although the following procedures may not apply in all cases, once a "Tactical Alert" has been declared by the Chief of Police or his designee, the Department will adjust normal field service protocol to maximize the ability to handle the incident while maintaining a readiness to handle other emergency situations that may occur simultaneously.

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| Category 1 | 100% |
| Category 2 | 100% |
| Category 3 | 100% |
| Category 4 | 50% |
| Category 5 | 100% |
| Category 6 | 25% |
| Category 7 | 50% |

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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. The primary goal of the SWAT Team is to safely and peacefully resolve incidents. 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, One squad sergeant, two corporals and eight police officers. There will be an additional two sergeants who will be responsible for overseeing the collateral team and for providing supervisor relief as appropriate. The collateral team will consist of at least eight officers.

SWAT includes the Crisis Negotiations Team (CNT), which consists of a sergeant and ten officers. The officer positions may be staffed with POII's or corporals 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. This policy

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recognizes the sanctity of human life, the value of peaceful resolution, and that the preservation of human life is paramount.

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.

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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.
- (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.

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- (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.

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 Personnel and Training Sergeant. The SWAT Personnel and 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.

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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 theGoogle calendar through the Special Operations Division Commander or community service officer..
- (b) A sergeantsergeant 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 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 Personnel and Training Sergeant.
- (d) Prior to training taking place, the sergeantsergeantor 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 facility's use.
- (e) Upon completion of training, the sergeantsergeant or approved trainer will forward an email or training report to the Personnel and 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.

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- (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.

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 Crisis Negotiations Team (CNT) and the two (2) SWAT team squads will be supervised by a sergeant.

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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 CNT 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 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies. The mission of this team recognizes the sanctity of human life, the value of peaceful resolution, and that the preservation of human life is paramount

The following procedures serve as directives for the administrative operation of the Crisis 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 CNT should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

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 CNT 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 Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation

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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 law enforcement 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.
 - 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 two agencies for the Oxnard Police Department SWAT Team to handle SWAT call-outs in the City of Port Hueneme.. 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.

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- (d) Primary assistance are those situations where the
- (e) Oxnard Police Department SWAT team is given total responsibility to neutralize a situation, and everything within the inner perimeter is controlled by this department only.
- (f)
 - 1. The Oxnard Police Department 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.
- (g) 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 Police Department 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 a request violates Oxnard Police Department or SWAT team policy, the SWAT Commander will so advise the requesting agency and if necessary withdraw Oxnard Police Department 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. *(SWAT Team members will be in an "on-call" status while off-duty on their workdays and at other times as additionally assigned. They will be compensated with standby pay and are required to remain within the County of Ventura and in a condition to rapidly respond back to duty if summoned.)* The Watch Commander will then notify the Field Service Bureau Chief as soon as practical.

The Watch Commander should advise the SWAT Commander with as much of the following information which is available at the time:

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- (a) The number of suspects, known weapons, and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

[illegible]

Upon arrival of the SWAT team at the scene, the Incident commander shall brief the SWAT Commander and team supervisors about the situation. Upon review, it will be the SWAT Commander's decision, with input from the incident commander, whether to deploy the SWAT team. Once the Incident SWAT Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT team. The Incident commander and the SWAT Commander (or his/her designee) shall maintain communications at all times.

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408.8.7 COMMUNICATION WITH SWAT OR CNT PERSONNEL

All of those persons who are not SWAT or CNT personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT or CNT 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 and their primary focus will be reducing gang and other violent crime through the use of intelligence, uniformed enforcement and, surveillance.. The SEU will be composed of one SWAT squad consisting of a sergeant, two senior police officers and, eight police officers.

408.9.1 SEU DUTIES

- (a) Gang enforcement. SEU will work closely with the gang investigators and the Crime Reduction Unit 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.

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for members of the public 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, professional staff ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: TSAs, Explorers, Volunteers in Policing, Chaplains, Reserve Officers, police applicants, and all others with approval of the Watch Commander.

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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.

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, with a law enforcement officer provided that the ride-along is not an employee of the Oxnard Police Department (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.). 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

Once an officer has been assigned a ride-along, the officer will date and initial the ride-along form that he/she has reviewed and understands policy section 410.3 and 410.4.

The officer shall advise the Emergency Communication Center 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.

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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 terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

Mounted Unit Operations

412.1 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.

412.2 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.

412.2.1 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.

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- (c) Security and enforcement at festivals or other special events in densely populated areas.
- (d) Security and enforcement at parades.
- (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.

412.2.2 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) One year (non-probationary) as a Police Officer II, Police Officer III, 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. All horses must be approved by the Mounted Unit Commander or designee.

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).

412.2.3 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

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Department or other law enforcement training as designated by the unit Commander and/or Sergeant.

412.3 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 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.

412.3.1 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.

412.4 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.

412.5 UNIFORM

The uniform for the Mounted Unit will be a black cowboy hat (cattleman, cutter, ridge top, or pinch front style) or black campaign hat with appropriate colored acorns, long or short sleeve uniform shirt, uniform pants, and black cowboy boots. While deployed, the unit members shall wear the same style shirt and hat. All other uniform standards under Policy Manual §1046 shall be followed.

Mounted Unit members may wear the approved black polo 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.

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412.6 EQUIPMENT

Equestrian-related equipment will be primarily purchased by the Department. Any additional equipment used and owned by a rider shall be approved by the Mounted Unit Commander or Sergeant.. Equipment may be purchased from the unit's fund at the discretion of the unit Commander and/or Sergeant. 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 a lead rope.
- (f) Breast collar with a cinch strap.
- (g) Front cinch.
- (h) Blue saddle pad with Oxnard Police patches.
- (i) Blue reflective "POLICE" rear saddlebag.
- (j) Four (4) blue reflective leg wraps.
- (k) Spurs.
- (l) Horse baton.
- (m) Two (2) Magnetic vehicle signs - "Oxnard Police Mounted Unit."
- (n) Black or Blue cover blanket with "OXPD" embroidered and/or Department uniform patches attached.
- (o) Horse tray which will contain a hoof pick, 2 brushes, 1 mane and tail brush, 1 de-shedding brush, shampoo, and cleaning supplies.

Leather equipment will be brown in color. There will not be a rear cinch worn during department functions. Equipment that displays Oxnard PD or any variation will only be used during department functions or upon approval of the unit Commander and/or Sergeant.

Hazardous Material Response

413.1 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.

413.1.1 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.

413.2 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).

413.3 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.

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413.3.1 SUPERVISOR RESPONSIBILITY

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

416.1 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 rescue vehicle ("Bearcat").

416.2 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.

416.3 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.

416.4 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 SWAT Team. A valid class "C" California driver's license is all that is required to drive the Bearcat.

416.5

[REDACTED]

416.6 BEARCAT MAINTENANCE

Maintenance of the Bearcat is the responsibility of the Special Operations Commander. Officers from the 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.

Mental Illness Commitments

419.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

419.2 POLICY

It is the policy of the Oxnard Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

419.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person
- (b) A family member
- (c) The person subject to the determination or anyone designated by the person

419.3.1 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.

419.3.2 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.

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419.3.3 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

419.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

419.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code Section 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code Section 5150(e))

419.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

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419.5.1 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).

419.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

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419.7 CIVIL HOLDS

A limited number of mental health patients are periodically released into the community as outpatients. 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 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.

419.8 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

419.8.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

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419.9 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this Department to regain custody of the individual, Department resources (e.g., posting a guard) and other relevant factors in making this decision.

419.10 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

419.10.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

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

419.11 TRAINING

This Department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Cite and Release Policy

421.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

421.2 POLICY

It is the policy of the Oxnard Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

421.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

421.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

421.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

If the Watch Commander authorizes a person to be released on citation after being booked into VCJIS and while seeking medical care or medical clearance, the citing officer or Sergeant shall:

- (a) Inform the appropriate medical personnel supervisor

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- (b) Notify the on-duty Police Service Officer. In the absence of an on-duty PSO, the officer shall notify the appropriate personnel at the Ventura County Main Jail.

421.3.3 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:

- (a) Social Security card.
- (b) Vehicle registration.
- (c) Birth certificate.
- (d) Fishing license.
- (e) Library card.
- (f) School identification.

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- (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.

421.4 NON-RELEASE

421.4.1 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 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.

421.4.2 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Rape of a spouse (Penal Code § 262)
- (f) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (g) Stalking (Penal Code § 646.9)
- (h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

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421.4.3 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

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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.

421.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

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

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

421.6 JUVENILE CITATIONS

All violations for juveniles shall be documented with a case number and the case should be referred to the Records Division to be forwarded to the Probation Department.

421.7 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

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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.

421.7.1 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:

- (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.

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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.

421.8 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

Arrest or Detention of Foreign Nationals

423.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Oxnard Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

423.2 POLICY

The Oxnard Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

423.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

423.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - (a) International organization staff; however, some corporals are entitled to the same treatment as diplomatic agents.
 - (b) Support staff of missions to international organizations
 - (c) Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - (d) Honorary consular officers
 - (e) Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

423.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

423.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of corporals are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Category	Arrested	or	Detained	Enter	Residence	Subject to	Ordinary
Procedures	Issued	Traffic Citation	Subpoenaed	as Witness	Prosecuted	Recognized	Family
Members	Diplomatic Agent	No	(note (b))	No	Yes	No	No
	Same as sponsor (full immunity & inviolability)	Member of Admin and Tech Staff	No	(note (b))	No	Yes	No
	Same as sponsor (full immunity & inviolability)	Service Staff	Yes	(note (a))	Yes	Yes	Yes
	No for official acts. Yes otherwise	(note (a))	No immunity or inviolability	(note (a))	Career Consul	Officer	Yes if for a felony and pursuant to a warrant
	(note (a))	Yes	(note (d))	Yes	No	for official acts	Testimony may not be compelled in any case
	No for official acts	Yes	otherwise	(note (a))	No	immunity or inviolability	Honorable Consul
	Officer	Yes	Yes	Yes	No	for official acts	Yes
	otherwise	No	for official acts	Yes	otherwise	No	for official acts
	Yes	otherwise	No	immunity or inviolability	Consulate Employees	Yes	(note (a))
	Yes	Yes	No	for official acts	Yes	otherwise	No
	for official acts	Yes	otherwise	No	for official acts	Yes	otherwise
	(note (a))	No	immunity or inviolability	(note (a))	Int'l Org Staff	(note (b))	Yes
	(note (c))	Yes	(note (c))	Yes	(note (c))	Yes	(note (c))
	Yes	Yes	(note (c))	No	for official acts	Yes	otherwise

U-Visa and T-Visa NONIMMIGRANT STATUS CERTIFICATION

427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for the processing of U-Visa and T-Visa applications. In order to promote uniformity in the processing of U-Visa and T-Visa certification requests presented to the Oxnard Police Department, the following policy has been established.

427.2 INTRODUCTION AND ELIGIBILITY

Under certain circumstances, federal law allows temporary immigration benefits, known as a U-Visa, to victims and witnesses of certain qualifying crimes (8 U.S.C. § 1101(a) (15) (U)). To be eligible for a U-Visa, victims must have suffered substantial physical or mental abuse due to a qualifying criminal activity, possess information concerning the qualifying criminal activity, and be able to demonstrate they have been helpful, are being helpful or are likely to be helpful to law enforcement, prosecutors or other authorities in the investigation and that the crime occurred in the United States or violated the laws of the United States.

Similar immigration protection, known as a T-Visa, is available for certain qualifying victims of human trafficking (8 U.S.C. § 1101(a)(15)(T))

A law enforcement certification for a U-Visa or T-Visa must be completed by the head of a certifying agency or a designee in a supervisory role.

427.3 QUALIFYING CRIMINAL ACTIVITY

Under the relevant state and federal laws, qualifying criminal activity includes rape, torture, incest, human trafficking, domestic violence, abusive sexual assault, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, perjury, involuntary servitude, slavery, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, fraud in foreign labor contracting, stalking, and other related crimes which include any similar activity where the elements of the crime is substantially similar to the above specified offenses (Penal Code 679.10(c)).

427.4 CERTIFYING AGENCY

The Oxnard Police Department qualifies as a certifying agency. The Investigations Bureau Commander and Property Crimes Unit Sergeant are designated by the Chief of Police as the authorized individuals to issue U-Visa and T-Visa certifications on behalf of the Oxnard Police Department for cases investigated by the Oxnard Police Department.

427.5 FOUNDATIONAL REQUIREMENTS

The Oxnard Police Department will review certification requests on cases which were not submitted to the District Attorney's Office for review (open cases) or which the District Attorney's

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Office has declined to prosecute (rejected). Certification requests for cases that were filed or prosecuted by the District Attorney's Office shall be forwarded to the Ventura County District Attorney's Office for review. The victim will be notified of the transfer of documents to the District Attorney's Office.

427.6 RECEIPT AND PROCESSING OF U-VISA APPLICATIONS

Any request for assistance in applying for U-visa or T-visa status should be forwarded in a timely manner to the Family Protection Unit (FPU) Sergeant. The FPU Sergeant shall:

- (a) Review the application packet to determine if the application complies with the certifying guidelines under Penal Code § 679.10 and Penal Code § 679.11. The FPU Sergeant should consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) If the FPU Sergeant determines that the case was filed by the Ventura County District Attorney's Office, the sergeant will forward the application to the Ventura County District Attorney's Office, Special Assistant District Attorney, for processing. The FPU Sergeant will document the receipt and transfer of the application in the electronic case file.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file. Include a copy of any completed form in the case file.

427.7 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall notify the DEU Sergeant immediately. The assigned officer shall provide the DEU Sergeant and PCU Sergeant with the victim's information necessary to complete the T-Visa application. The DEU Sergeant and PCU Sergeant shall complete the above process and the documents needed for indicating the individual is a victim for the T-Visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall document in the case file information indicating the cooperation of the victim during the criminal investigation. The FPU Sergeant shall complete the process for a U-Visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of the assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

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U-Visa and T-Visa NONIMMIGRANT STATUS CERTIFICATION

427.8 REPORTING TO LEGISLATURE

The Property Crimes Unit Sergeant or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code §9795 (Penal Code § 679.10; Penal Code §679.11).

426.8 TRAINING

427.9 TRAINING

The Training Sergeant shall ensure that all appropriate members receive training on immigration issues.

Immigration Violations

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Oxnard Police Department relating to immigration and interacting with federal immigration officials.

429.2 POLICY

It is the policy of the Oxnard Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

429.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity or national origin in any way that would violate the United States or California constitutions.

429.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code 7284.6).

429.5 DETENTIONS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal violation of federal immigration laws (Government Code 7284.6).

429.6 FEDERAL REQUESTS FOR ASSISTANCE

Members of the Oxnard Police Department will not directly participate in field-level immigration enforcement. Requests by federal immigration officials for assistance from this Department shall be directed to the Duty Chief. The Duty Chief is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this Department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the city side of the meter, emergency personnel should be called as soon as practical by a police dispatcher.

430.1.2 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.

430.1.3 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.

430.1.4 EMERGENCY NUMBERS

Police dispatchers will maintain a current list of emergency personnel who are to be called for municipal utility emergencies.

430.2 TRAFFIC SIGNAL MAINTENANCE

City Traffic Engineering maintains all traffic signals within the city, other than those maintained by the State of California (Cal Trans).

430.2.1 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.

430.2.2 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

433.1 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.

433.2 SPECIFICATIONS

Only firearms and ammunition that meet department authorized specifications approved by the Special Operations Commander, or his/her designee, may be used by officers in their law enforcement responsibilities. Department issued patrol rifles are semiautomatic AR-15 type rifles of 5.56 mm (or .223 Remington) caliber. Authorized patrol rifles include the: Colt AR-15, Colt M-16 that has been converted to a "semiautomatic only" weapon; Rock River Arms. Inc. LAR-15 (A2/A4), Sionics Patrol Rifle, and Bushmaster AR-15 (A2/A3/M4) series rifles. All other on-duty use rifles must be approved by the Special Operations Commander before being deployed. Officers may purchase an AR-15 type rifle for use on duty, but it must be approved by the Special Operations Commander before such use.

433.2.1 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 of one year at the Oxnard Police Department and have completed his/her probationary period 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. 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 Personnel and Training Sergeant to schedule a POST-Certified Tactical Rifle Course for the officer. No officer will be scheduled for a rifle course without the availability of the appropriate rifle and equipment to the officer. If the officer is a previously trained officer who has completed the appropriate training-course, but has not attended any rifle update training in 24 calendar months, the officer can be scheduled for the POST-Certified course mentioned above or an in-house Tactical Rifle Update course.

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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 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 POST-Certified Tactical Rifle 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.

433.2.2 RIFLE EQUIPMENT

Department-issued rifles will be equipped with a sling, and three magazines. 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.

433.3 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 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.

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- (d) Each patrol rifle shall be subject to inspection by a supervisor, the Range Sergeant, or range staff member at any time.
- (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.

433.4 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.

433.5 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.

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- (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.

433.6 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Force Policy §300.

433.7 PATROL READY

All officers carrying a 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:

- (a) The chamber is confirmed to be clear of ammunition.
- (b) The bolt is forward on the empty chamber (hammer cocked, not dropped).
- (c) The selector lever is placed on "safe".
- (d) The ammunition magazine, loaded to capacity minus two rounds, is inserted in the rifle's magazine well.
- (e) The dust cover is closed.
- (f) The rifle is stored in the patrol vehicle's rifle rack or locked trunk.
- (g) Additional magazines shall be loaded in the same manner.

433.8

[REDACTED]

433.8.1

[REDACTED]

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Patrol Rifles

[illegible]

Aircraft Accidents

435.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

435.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

435.2 POLICY

It is the policy of the Oxnard Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

435.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

435.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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435.5 NOTIFICATIONS

When an aircraft accident is reported to this Department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

435.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this Department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene Department supervisor should ensure the accident is still appropriately investigated and documented.

435.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

435.8 DOCUMENTATION

All aircraft accidents occurring within the City of Oxnard shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of OXPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

435.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

435.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

435.9 MEDIA RELATIONS

The Community Affairs Manager (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Obtaining Air Support

439.1 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.

439.2 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.

439.2.1 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.

439.2.2 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.

Contacts and Temporary Detentions

441.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

441.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

441.2 POLICY

The Oxnard Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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441.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Oxnard Police Department to strengthen community involvement, community awareness, and problem identification.

441.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer

441.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

441.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

441.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

441.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

441.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Oxnard Police Department members.

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

Criminal Organizations

443.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Oxnard Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

443.2 POLICY

The Oxnard Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

443.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

443.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

443.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

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- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Division or Property Room, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

443.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

443.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Personnel and Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

443.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

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When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

The Investigative Bureau/VCUSergeant should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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443.8.1 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 Violent Crimes Unit.

Officers completing a field interview card under the guidelines above shall photocopy the card and deliver it to the Violent Crimes Unit.

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 Violent Crimes Unit.

443.9 [REDACTED]

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443.11 GANG REGISTRATION PROTOCOL

The following protocol will be in effect for the purposes of gang registration:

- (a) Individuals sentenced in adult or juvenile court and informed of their duty to register pursuant to Penal Code §186.30 will contact the Records Division of the Oxnard Police Department. The Records Division will maintain a ledger and will document the individual's name, DOB, address, phone number, and the date of contact.
- (b) Records personnel will send an email to the VCU Sergeant notifying him/her of the individual and providing the above-listed information.
- (c) The VCU Sergeant will assign the registration to any available gang investigator. SEU personnel may also be tasked with assisting in the completion of gang registrations.
- (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.

443.12 TRAINING

The Personnel and Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.

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- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

443.12.1 SHARED GANG DATABASE TRAINING

The Personnel and Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

Watch Commanders

445.1 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.

445.2 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 corporal or police officer as an acting Watch Commander when operational needs require or as training permits.

Mobile Digital Computer Use

449.1 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.

449.2 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. Priority-III and lower Priority-II calls may be sent via MDC.officer MDC

449.2.1 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.

449.2.2 DOCUMENTATION OF ACTIVITY

MDCs 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.

449.2.3 STATUS CHANGES

All changes in status on Priority I calls will be transmitted verbally over the police radio and through the MDC system. Priority II and Priority III calls should generally be transmitted over the MDC.

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Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

449.2.4 HIT CONFIRMATION

Information obtained from CLETS or VCJIS through the MDC may 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 or VCJIS 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.

449.3 MDC CONSIDERATIONS

Personnel using an MDCs 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. 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 MDCs unless authorized by the Department systems administrator.

449.3.1 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.

449.3.2 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

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contacted or investigated by the police. Law prohibits them from divulging any information they view or hear about to anyone.

Portable Audio/Video Recorders

451.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Oxnard Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

451.2 DEFINITIONS

- (a) Body-Worn Camera (BWC) - A camera worn on an individual's person that records and stores audio and video.
- (b) Video Cameras - Generally refers to handheld video recording devices.
- (c) Audio Recorders - Personal audio recording devices typically worn on an individual's person that records and stores audio.
- (d) Digital Evidence - Digital media files, including photographs, audio recordings and video footage, captured by a recording device is considered investigative material and stored digitally.
- (e) Buffering Mode – When a BWC is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record video only in 30 second loops.
- (f) Evidence Transfer System (ETM) - A portable multi-ported docking station used for the transfer of digital evidence. The BWC ETM simultaneously recharges the BWC while uploading all digitally encrypted data from the device. Other devices typically interface with a computer workstation for the transfer of digital evidence.
- (g) Metadata - Case numbers, event/incident numbers, and other descriptors used to identify digital evidence.

451.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this Department shall be deemed property of the Department. These recordings should not be considered private, regardless of whether those recordings were made with department-issued or personally-owned recorders. The recordings will not be copied, released or disseminated in any form or manner outside the parameters of this policy without the express written consent of the Chief of Police or his/her designee.

451.4 EMPLOYEE RESPONSIBILITIES

All employees are responsible for making sure their portable recording devices are in good working order. Employees shall promptly, upon discovery, notify a supervisor if their equipment

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is not properly functioning and turn the malfunctioning equipment in to the Body Worn Camera Administrator for repair or replacement.

Whether the digital evidence is audio, video, or both, it is important to ensure the metadata is attached to each file. The employee must ensure the hardware has the correct date and time prior to using the device. If the designed systems for capturing this information is not working correctly, the employee will 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.

Unless approved by a supervisor, employees shall upload all recorded files prior to ending their shift. The primary officer, as well as any officer who will be preparing a report will, at a minimum, enter the case report number for each recording.

Employees are generally discouraged from using personal devices such as phones and tablets to record during the course of duty. Any employee who uses a personally-owned recording device for department-related activities shall comply with the provisions of this policy manual, including retention and release requirements.

451.4.1 BODY-WORN CAMERAS

The BWC system is designed to capture both an audio and visual representation of events officers are involved with on a daily basis. The use of the BWC is the default method of capturing events listed under section 450.5.

(a) User Responsibility

1. Ensure the battery on the BWC is fully charged and operating properly.
2. Officers shall position the BWC above the midline of their torso on their uniform to facilitate an optimum recording field of view.
3. Officers shall keep the BWC powered on in buffering mode while on-duty, except during instances listed in section 450.5.1 (a-l). In certain tactical situations, officers may temporarily disable the visual (LED) and haptic (vibration) feedback on the BWC by placing the BWC into "stealth mode."
4. Officers shall dock their issued BWC for automated upload of data files daily prior to the end of their shift, at the docking station, to ensure storage capacity is not exceeded and/or to view uploaded audio/video.
5. Document the use of the BWC in police reports when a report is generated.
6. Once video is captured, officers shall identify BWC files by:
 - (a) Case number in the Case ID Field.
 - (b) Entering a title. The title should include sufficient information to identify the file, such as crime code, suspect name, location, event, etc.
 - (c) Selecting the appropriate category(s).

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- (d) This information may be entered via handheld device, MDC, or computer workstation via the Evidence.com website.

451.4.2 VIDEO CAMERAS ASSIGNED TO PATROL SUPERVISORS

Video cameras will be made available to Department personnel, for the purpose of documenting significant events. These cameras will be issued to patrol sergeants.

The following are situations where the use of a video camera should be considered:

- (a) Critical incidents
- (b) Demonstrations and civil unrest
- (c) Mobile Field Force deployments
- (d) S.W.A.T. deployments
- (e) Barricaded individuals
- (f) Uncooperative, potentially violent, or resistive subjects
- (g) Subjects demonstrating signs of excited delirium
- (h) Field investigations where appropriate

When sufficient personnel are present, on-scene supervisors shall delegate the use of a video camera to another officer or Department employee, in order to facilitate the appropriate supervision of the scene.

Video cameras shall only be used for official department-related activity and purpose. The use of video cameras in the field shall be guided by applicable laws related to a person's reasonable expectation of privacy.

451.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

451.5.1 WHEN ACTIVATION IS NOT REQUIRED

There are circumstances where video recording may not be appropriate:

- (a) A potential witness who requests to speak to an officer confidentially or desires anonymity.
- (b) A victim or witness who requests that he or she not be video recorded and the situation is not confrontational.
- (c) A victim who requests that he or she not be video recorded as a condition of cooperation and the interests of justice require such cooperation.
- (d) During tactical briefings, or the discussion of safety and security procedures.
- (e) Undercover officers, except in the course of criminal investigation.
- (f) Strip searches.
- (g) Public or private locker rooms, changing rooms, restrooms, unless taking the police actions stated in 450.5(a-k).
- (h) Doctors' or lawyers' offices, unless taking the police actions stated in 450.5(a-k).
- (i) Medical or hospital facilities, unless taking the police actions stated in 450.5(a-k).
- (j) Other places where individuals unrelated to the investigation are present and would have a reasonable expectation of privacy, unless taking the police actions stated in 450.5(1-10).
- (k) The monitoring of persons based solely upon the person's political or religious beliefs or upon the exercise of the person's constitutional rights to freedom of speech and religious expression, petition and assembly under the United States and California Constitutions, or because of the content or viewpoint of the person's protected speech is prohibited.
- (l) Cold report calls are generally those calls for service where the suspect is not at the scene and there is a low probability of locating the suspect during the call for service.

In circumstances in which the officer chooses not to video record, the audio recorder shall be activated to comply with the situations listed under sections 450.5(a-k).

Once a portable recording device is activated, it shall remain on and shall not be turned off, paused, or muted until the incident or contact has concluded. An exception would be in situations

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where officers are engaged in a private conversation involving sensitive information (e.g. tactics being used to address an incident, information regarding or involving an informant and/or potential informant, etc.) or when interviewing multiple consecutive victims/witnesses (e.g. such as during a canvass).

451.5.2 WHEN TO DEACTIVATE

Recordings shall not be intentionally terminated until the conclusion of the encounter, except for tactical or safety reasons, or the encounter no longer holds evidentiary or investigative value. Any time the recording is terminated prior to the end of the encounter, the reason(s) should be documented on the portable recording device before deactivation.

Officers will use reasonable judgment in determining when to deactivate the BWC, such as when the purpose for activation is no longer present (examples include 1) An officer is assigned to an outer perimeter position for an extended period of time and has no verbal or visual contact with involved parties 2) Officers have secured a prisoner and are completing paperwork outside the presence of the prisoner).

Keeping in mind that static situations may change rapidly, officers need to recognize it may be necessary to re-activate their BWC unexpectedly (example: Officers are assigned to an outer perimeter position with their cameras turned off, and a suspect exits the residence to surrender or run from police).

Officers shall deactivate the portable recording device when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney, police peer counselor, labor representative, minister, etc.). Officers will verbally indicate why the portable recording device is being deactivated and will re-activate the portable recording device at the conclusion of the private conversation, if the need for recording the police encounter or investigation still exists.

451.6 PROHIBITED USE OF PORTABLE RECORDERS

Employees are prohibited from surreptitiously recording any Department member without their consent, a court order, or unless lawfully authorized by the Chief of Police or designee for the purposes of a criminal investigation.

Employees are prohibited from using department-issued portable recording devices and recorded 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. Unless for official business, recordings of any type shall not be posted to or distributed via the internet, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-

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sharing sites without prior approval from the Chief of Police. All such recordings shall be retained by the Department.

Department employees operating portable recording devices shall not record any person or situation based solely on race, ethnicity, sex, sexual orientation, disability or other classifications protected by law.

451.7 TRAINING WITH BODY-WORN CAMERA FILES

A BWC file may be utilized as a training tool for individuals, specific units, and the Department. Department members recommending utilization of a BWC file for training purposes will submit the recommendation and approval through the chain of command to their Division Commander.

Exceptions: Field Training Officers may use BWC files to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR). Supervisors may use BWC files to provide immediate training or counseling to an employee in a discrete environment.

451.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

451.8.1 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 2½ years. Any recording associated with a case will be retained for the life cycle of the case.

451.9 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 (Release of Records and Information) or for other authorized legitimate Department business purposes.

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451.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports or for oral statement or testimony, employees should review their 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 may routinely inspect recordings, provided that the inspections are reasonable, conducted in good faith, and not for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident.

Recorded files may also be reviewed:

- (a) By any employee, his or her attorney or representative, who is participating in, as a subject or witness, an official investigation, such as a personnel complaint, administrative investigation or criminal investigation, if the subject officer's image or voice is captured on the recorded file or the officer was present during the incident.
- (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. In compliance with a public records request, if permitted, and in accordance with Policy Manual § 810.
- (d) In compliance with a public records request, if permitted, and in accordance with Policy Manual § 810.

Body Worn Cameras

452.1 PURPOSE AND SCOPE

The use of a body-worn camera (BWC) is intended to enhance the mission of the Department by accurately capturing contacts between officers and the public. This policy provides guidelines for the use of a BWC by sworn uniformed Department personnel while in the performance of their duties. The use of the BWC is the default method of capturing events listed under Policy Manual section 451.3.

At no time is an employee expected to jeopardize his/her safety in order to activate a BWC recording. In instances where employees are unable to record, due to safety precautions, the recording should begin as soon as safely practical.

The Department recognizes that BWC recordings cannot always show the full story, nor do video images capture an entire scene. The use of a BWC does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing BWC recordings must be cautious before conclusions are reached about what the recordings show.

452.2 DEFINITIONS

- (a) Body-Worn Camera (BWC) - A camera worn on an individual's person that records and stores audio and video.
- (b) Buffering Mode - When a BWC is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record video in 30 second loops.
- (c) Metadata - Case numbers, event/incident numbers, and other descriptors used to identify digital evidence.
- (d) Muting- Deactivating audio recorder while video recording continues.

452.3 REQUIRED ACTIVATION OF BODY WORN CAMERA

This policy is not intended to describe every possible situation where the use of a BWC may be appropriate. The policy also recognizes the rare instances in which there may not be sufficient time to activate a recording. However, generally anytime there is law enforcement related interaction with the public, there should be a BWC recording of the contact. The primary purpose of a recording is to capture police-civilian interactions. When recording with a BWC, transparency requires video and sound to be continuous.

For any incident that requires a BWC recording, officers shall activate their recorder prior to making contact with the involved parties. For example, during a detention of a person, the BWC recorder shall be activated prior to making contact with the subject, and shall remain activated until the detention has concluded. Exception: Officers will separate interviews during a canvass by deactivating and reactivating the recorder in between interviews.

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The following are situations that require a BWC recording:

- (a) All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing, or may be involved in criminal activity. This includes, but is not limited to:
 - 1. Detentions, vehicle stops, pedestrian stops and consensual encounters.
 - 2. Probation, parole, post-release community supervision, mandatory supervision or consent searches, and 'knock and talks.'
- (b) Taking or attempting to take a person into custody (e.g., arrests, protective custody of a mentally disturbed person, etc.).
- (c) Enforcement encounters where there is reason to believe that the individual is committing a violation for which a citation may be issued.
- (d) All incidents involving a use of force.
- (e) All public interaction, regardless of context, that escalates and becomes adversarial.
- (f) Service of search or arrest warrants.
- (g) Suspect statements.
- (h) Witness/Victim statements (when practical).
 - 1. The BWC recording policy applies equally to incidents where any on-duty or off-duty law enforcement official is involved as a victim, witness, or suspect.
- (i) Code 3 driving operations, includes any passenger officer for a two-person unit.
- (j) Response to complaints or calls for service.
- (k) When transporting prisoners, detained subjects, and those people who are under criminal investigation.

Passive activation tools, such as the Axon Signal technology, are intended to enhance officer safety by allowing officers to focus on the situation, not the BWC. It is incumbent upon the officer to ensure that their BWC is activated in accordance with this policy section, and not to solely rely on this technology.

452.4 WHEN BWC RECORDING IS NOT REQUIRED

There are circumstances when a BWC recording may not be necessary or appropriate:

- (a) Discussion of case facts or investigative tactics outside the presence of all involved parties including any victim, witness, or suspect.
 - 1. It is the officer's responsibility to reactivate the recording when the purpose of the deactivation/muting has passed.
- (b) A potential witness who requests to speak to an officer confidentially, or desires anonymity.
- (c) A victim or witness who requests that he or she not be video recorded, and the situation is not confrontational.

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- (d) A victim who requests that he or she not be video recorded as a condition of cooperation, and the interests of justice require such cooperation.
- (e) Undercover officers, except in the course of criminal investigation.
- (f) Strip searches.
- (g) Public or private locker rooms, changing rooms, restrooms, unless taking the police actions stated in 451.3(a-l).
- (h) Doctors' or lawyers' offices, unless taking the police actions stated in 451.3(a-l).
- (i) Medical or hospital facilities, unless taking the police actions stated in 451.3(a-l).
- (j) Any situation involving a Department employee receiving medical attention, either in the field or at a medical facility, as employee medical confidentiality is paramount.
- (k) Other places where individuals unrelated to the investigation are present and would have a reasonable expectation of privacy, unless taking the police actions stated in 451.3(a-l).
- (l) The monitoring of persons based solely upon the person's political or religious beliefs or upon the exercise of the person's constitutional rights to freedom of speech and religious expression, petition and assembly under the United States and California Constitutions, or because of the content or viewpoint of the person's protected speech is prohibited.
- (m) Cold report calls, which are generally those calls for service, where the suspect is not at the scene, and there is a low probability of locating the suspect during the call for service.

In circumstances in which the officer chooses not to video record, the audio recorder shall be activated to comply with the situations listed under Policy Manual sections 451.3(a-l).

452.5 WHEN TO DEACTIVATE A BWC RECORDING

Officers will verbally articulate on camera the specific reason for discontinuing/muting the recording before deactivating/muting any BWC recording.

Officers shall deactivate their BWC when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney, police peer counselor, labor representative, minister, etc.). At the conclusion of the private conversation, if the need for recording the police encounter still exists, officers will reactivate the recorder.

452.6 USE OF FORCE AND CRITICAL INCIDENTS

The public potentially has a compelling interest in any use of force or critical incident, as defined under Policy Manual sections 300.5.1 and 305.2 of this manual. Under no circumstances shall a BWC recording be deactivated/muted during, or after, a use of force or critical incident, if any police-civilian interaction/encounter is still in progress. If, during a use of force incident, an officer's BWC becomes dislodged from his or her person, the officer shall remain focused on taking the subject into custody before retrieving the BWC. In such situations, it is recognized the BWC may not capture the use of force incident in its entirety.

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452.7 OFFICER RESPONSIBILITIES

- (a) Ensure BWC is in good working order.
 - 1. Ensure the BWC hardware has the correct date and time prior to using the device.
 - 2. If the BWC is not functioning properly, officers shall promptly notify a supervisor and turn the equipment into the BWC Administrator for repair or replacement.
- (b) Officers shall position the BWC on their uniform to facilitate an optimum recording field of view. For most officers, the position will be above the midline of their torso. A belt mounted system is also an acceptable position, provided that it captures an optimum recording field of view to include a clear picture of individuals that officers are interacting with.
 - 1. Officers must wear the BWC on the outermost garment and must ensure the recording field of view is not obstructed by a jacket, inclement weather gear, plate carrier, etc.
 - (a) It is recognized that in tense, rapidly unfolding exigent circumstances, where there is an imminent threat to the safety of others and time is of the essence, there may not be sufficient time to attach a BWC to the outermost garment.
- (c) While on-duty, officers shall keep the BWC powered-on, in buffering mode, except during instances listed in Policy Manual section 451.4 (a-l). In certain tactical situations, officers may temporarily disable the visual (LED) and (vibration) feedback, by placing the BWC into "stealth mode."
- (d) Unless approved by a supervisor, officers shall place their BWC on a docking station, on a daily basis, prior to the end of their shift. The automated upload on a daily basis will ensure storage capacity is not exceeded and will allow officers to view their recordings.
- (e) Traffic Unit and K-9 Unit officers shall dock their cameras, on their work days, at least once per shift. Exceptions include special enforcement operations or events. In such circumstances, the officers must dock their camera as soon as practical during their next regular work day.
- (f) Ensure the metadata is attached to each BWC recording.
 - 1. The primary officer, as well as any other officer who will be preparing a report, will enter the case report number for each recording.
- (g) Document the use of the BWC in police reports, when a report is generated.

452.8 TRAINING WITH BODY-WORN CAMERA FILES

BWC files may be utilized as a training tool for individuals, specific units, and the Department. Department members recommending utilization of a BWC file for training purposes will submit the recommendation and approval through the chain of command to their Division Commander. Exceptions:

- (a) Field Training Officers may use BWC files to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).

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- (b) Supervisors may use BWC files to provide immediate training or counseling to an employee in a discrete environment.

452.9 REVIEW OF BODY-WORN CAMERA VIDEO FILES

Although the data captured by the BWC is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know and need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.

452.10 ACCESS TO EVIDENCE.COM

Evidence.com shall only be accessed from Department authorized computers, Department workstations, Department smartphones, or mobile data computers. Exceptions: 1) Professional Standards Division Commander, or designee 2) BWC administrators may access Evidence.com from a computer or device outside of the Department for the purpose of completing administrative tasks.

Members of the department who access BWC video they did not personally record shall document the reason for access by entering justifying information in the BWC "NOTES" field prior to viewing. Exceptions: 1) BWC administrators 2) Professional Standards Division personnel 3) Supervisors inspecting recordings made by subordinates.

452.11 REQUEST FOR DELETION OF ACCIDENTAL RECORDING

In the event of an accidental activation of the BWC, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWC recording be deleted. A memo, with sufficient information, shall be completed and sent to the Commander overseeing the BWC program who shall review the recording and approve or deny the request.

452.12 COPYING PROCEDURES

Members of this Department shall not download, duplicate, or record any video from Evidence.com onto any computer, device, drive, memory card, CD, DVD or any other format without the express consent of the Chief of Police, or designee. Exception: BWC administrators can download videos at the request of another law enforcement agency or for administrative purposes.

452.13 REVIEW OF BODY-WORN CAMERA RECORDINGS

When preparing written reports or for oral statement or testimony, employees should review their BWC recordings as a resource. However, employees should not use the fact that a BWC recording was made as a reason to write a less detailed report.

Supervisors may routinely inspect BWC recordings, provided that the inspections are reasonable, conducted in good faith, and not for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident.

BWC recordings may also be reviewed:

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- (a) By any employee, his or her attorney or representative, who is participating in, as a subject or witness, an official investigation, such as a personnel complaint, administrative investigation or criminal investigation, if the subject officer's image or voice is captured on the recorded file or the officer was present during the incident.
- (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. In compliance with a public records request, if permitted, and in accordance with Policy Manual section 810.
- (d) In compliance with a public records request, if permitted, and in accordance with Policy Manual section 810.

452.14 RELEASE OF BODY-WORN CAMERA RECORDINGS

BWC recordings made pursuant to this policy are Department records and may only be released as provided in Policy Manual section 810 (Release of Records and Information) or for other authorized legitimate Department business purposes.

Medical Marijuana

453.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

453.2 POLICY

It is the policy of the Oxnard Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Oxnard Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

453.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

453.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

453.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.

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- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

453.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

453.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at a later time.

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2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 4. Other relevant factors, such as available Department resources and time constraints prohibit making an immediate arrest.
- (b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
1. The amount of marijuana recommended by a medical professional to be ingested.
 2. The quality of the marijuana.
 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 5. Whether the marijuana is being cultivated indoors or outdoors.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

453.3.5 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

Foot Pursuits

459.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot. This policy promotes balancing the objective of successfully resolving the situation with the risks of potential injury to the officer, the suspect, and the public.

459.1.1 POLICY

Officers often attempt to contact persons who then flee on foot. Officers are challenged to quickly evaluate the reason for the contact and decide whether or not to give chase on foot.

Officers are expected to responsibly assess the circumstances, and act reasonably. The safety of Department personnel, public safety, and apprehension of the subject are important considerations when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

459.2 DECISION TO PURSUE

Officers are justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity. The decision to continue such a foot pursuit, however, should be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person, who is not suspected of criminal activity, shall not serve as the sole justification for engaging in a foot pursuit. Without reasonable suspicion regarding the individual's involvement in criminal activity, officers are limited in their ability to take enforcement actions. However, this policy does not prohibit officers from merely following a person on foot.

459.3 ALTERNATIVE FOR FOOT PURSUITS -“TRAILING”

“Trailing” is an acceptable alternative to the foot pursuit. Officers and supervisors may elect to downgrade a foot pursuit to “trailing” in order to assess conditions, maintain solo officer safety, and to de-escalate lower priority incidents. Officers should advise radio they are “trailing” and remain a safe distance from the suspect(s) in order to coordinate with responding officers, establish containment, and increase the likelihood of the safe capture of the suspect(s).

459.4 RESPONSIBILITIES IN FOOT PURSUITS

The supervisor or on-duty watch commander shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines. The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of the suspect's immediate apprehension. The supervisor need not be present on scene in order to exercise control of the event.

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Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should clearly broadcast the following information as soon as possible:

- (a) Call sign.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit.
- (d) Number of suspects and description.
- (e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established, and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions.

459.4.1 PERIMETER GUIDELINES

Refer to the Oxnard Police Department's *Field Operations Guide* for details.

459.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
- (e) Any injuries or property damage.

Officers and supervisors also have reporting responsibilities, as outlined in the Department's Use of Force policy, whenever a suspect is injured or there is a reportable use of force.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a report is not necessary.

Facial Recognition Technology

462.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Biometric Facial Recognition Technology.

462.2 POLICY

The policy of the Oxnard Police Department is to utilize Biometric Facial Recognition Technology that allows officers to submit a digital image to the application that will be used to develop investigative leads or the identity of a person. All data and images obtained through the use of facial recognition technology are for the official use of this Department.

462.3 FACIAL RECOGNITION USE

Use of facial recognition technology shall be restricted to officers who have been trained in its use. Training will be given by an authorized trainer designated by the Investigations Bureau Commander or designee.

- (a) Facial recognition technology and the use of the applications that facilitate this technology shall only be used for official and legitimate law enforcement business.
- (b) Considerations prior to the use of this technology should include whether the individual is lawfully detained and using the facial recognition system does not prolong the detention beyond the time reasonably required to complete the investigation and or contact.
- (c) Officers should not typically request facial recognition results when an individual presents a valid driver license or state identification card unless; the officer reasonably suspects the driver license or identification card is forged, altered, or otherwise fraudulent; or the officer reasonably suspects the individual is presenting, as his or her own, a driver license or identification card issued by a DMV to another person.
- (d) Department members shall not use physical force to gain compliance during the use, or attempted use, of this technology.
- (e) Refusal to submit to the use of this technology does not constitute probable cause for arrest, therefore, no arrests will be made where a subject refuses to submit to the use of this technology without independent probable cause for an arrest.
- (f) Prior to any enforcement action based on any results, a peer review or second opinion is highly encouraged when practical. The goal of using facial recognition technology is to generate a strong investigative lead and not to definitively conclude that a face matches an identity.
- (g) Any time a subject is arrested and transported to any booking facility, based primarily on an image comparison result, an effort should be made to verify the identity of the subject through the use of additional technology such as fingerprint comparison.

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462.4 FACIAL RECOGNITION LIMITATIONS OF USE

Although facial recognition technology can be a remarkably beneficial tool to this Department, it has its limitations. This technology does not provide positive identification, but rather, an investigative lead and analysis to support that lead. The onus still falls on the investigating officer to establish probable cause for arrest by using other investigative means.

462.5 DISSEMINATION OF FACIAL RECOGNITION INFORMATION

Generally and as further outlined below, the Oxnard Police Department may share facial images obtained through facial recognition technology with other government agencies so long as the dissemination is to further the receiving or sending agency's function:

- (a) Where it will further a legitimate criminal justice function, the facial images obtained through the use of a facial recognition field identification tool may be shared with other criminal justice agency personnel.
- (b) No personally identifying information, including but not limited to mug shot facial images, obtained through the use of facial recognition technology shall be disseminated to members of the general public or news media. This prohibition is subject only to the following specific exceptions:
 - 1. Public Safety Exception - The Investigative Services Bureau Commander or their designee, who reasonably determine that an individual poses a threat of substantial harm to the public, may release the facial images and relevant personally identifying information. The release of facial images and personally identifying information must be limited to information that could reasonably protect the public from harm and the determination to release images must be documented in a report.
 - 2. Photographic Line-up Exception - A suspect's facial images may be used in a photographic line#up to further the particular investigation for which the suspect's image was requested.
 - 3. Warrant Exception - Where a warrant has been issued for a known suspect, and where the suspect's facial image has been verified by an independent witness, the suspect's facial image can be publicly disclosed for the purposes of locating the suspect or protecting the public.
 - 4. Missing Person Exception - Upon its verification by an independent third#party, the facial image of an individual reported missing can be publicly disclosed to help authorities locate the missing person.

462.6 FACIAL RECOGNITION POLICY REVIEW AND UPDATES

This Department shall regularly review and update this policy and its practices concerning the sharing of facial recognition field identification information to comply with any changes in relevant laws and regulations governing biometric data systems and data sharing.

Automated License Plate Readers (ALPRs)

463.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

463.2 POLICY

The policy of the Oxnard Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

463.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the 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. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigative Services Bureau Commander or their designee. The Investigative Services Bureau Commander or their designee will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

463.3.1 ALPR ADMINISTRATOR

The Investigative Services Bureau Commander or their designee shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

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463.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

463.5 DATA COLLECTION AND RETENTION

The Investigative Services Bureau Commander or their designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

463.6 ACCOUNTABILITY

All 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 (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

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- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

463.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Investigative Services Bureau Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

463.8 TRAINING

The Investigative Services Bureau Commander or designee shall ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Medical Aid and Response

466.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

466.2 POLICY

It is the policy of the Oxnard Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

466.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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466.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

Members should not provide emergency escort for medical transport or civilian vehicles.

466.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

466.6 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

466.6.1 AED USER RESPONSIBILITY

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

466.6.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

466.6.3 AED TRAINING AND MAINTENANCE

The Personnel and Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Personnel and Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

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Medical Aid and Response

466.7 FIRST AID EQUIPMENT

Members may be issued first aid equipment, or first aid kit, to provide care to other members or the public. Patrol officers shall keep their individually issued kit readily available.

The first aid kit contains supplies for members to provide care to their level of department provided training until the next level of care arrives, typically Oxnard Fire Department or ambulance personnel.

Officers are permitted to add supplies to their first aid kit, but only to the level of training provided at the Department. For example, additional bandages and dressings are permitted, but equipment which is taught and used at the emergency medical technician level or higher is not permitted without authorization from the Professional Standards Division Commander.

Suspicious Activity Reporting

467.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

467.1.1 DEFINITIONS

Definitions related to this policy include:

Subject of Interest and/or Involved party - An individual who has been observed, reported to be, and/or suspected of engaging in suspicious activity, as defined in this policy, when no definitive criminal activity has been confirmed by a member.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation shall not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- (a) Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- (b) Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- (c) Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- (d) An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An online form used to document suspicious activity. Each SAR is assigned an unique number in chronological order of submission.

467.2 POLICY

The Oxnard Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

467.3 RESPONSIBILITIES

The Special Operations Commander and authorized designees will manage SAR activities.

The Special Operations Commander will ensure that the Department's Intelligence Coordinator and those assigned to assist, will fulfill their duties as listed below. These include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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Suspicious Activity Reporting

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Confirming investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

467.4 REPORTING AND INVESTIGATION

Any Department member receiving information regarding suspicious activity, which may indicate a threat to anyone's safety, should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives information, which may indicate a threat to anyone's safety, should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR which will include all information known to them about the suspicious activity. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference.

467.5 HANDLING INFORMATION

SARs are submitted online by both the public and department personnel. The Department's Intelligence Coordinator is responsible for reviewing SARs in a timely manner.

Civil Disputes

468.1 PURPOSE AND SCOPE

This policy provides members of the Oxnard Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

468.2 POLICY

The Oxnard Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. Department personnel should diligently undertake efforts to calm the involved parties, and use de-escalation techniques to defuse conflict to the greatest possible extent. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

468.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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Civil Disputes

468.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

468.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

468.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

468.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Public Recording of Law Enforcement Activity

469.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

469.2 POLICY

The Oxnard Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties. Officers must recognize the importance of preventing the actions of their being recorded from escalating.

469.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - (a) Tampering with a witness or suspect.
 - (b) Inciting others to violate the law.
 - (c) Being so close to the activity as to present a clear safety hazard to the officers.
 - (d) Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

469.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

469.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

469.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - (a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - (b) If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Crisis Intervention Incidents

471.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

471.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

471.2 POLICY

The Oxnard Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

471.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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471.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide Department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

471.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 - 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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471.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

471.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

471.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

471.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Department reporting procedures or other official mental health or medical proceedings.

471.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

471.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

471.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this Department should ensure that a thorough review and analysis of the Department response to

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these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

471.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This Department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

First Amendment Assemblies

472.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

472.2 POLICY

The Oxnard Police Department respects the rights of people to peaceably assemble. It is the policy of this Department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

472.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, Officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- (a) Lawful, constitutionally protected actions and speech.
- (b) Civil disobedience (typically involving minor criminal acts).
- (c) Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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472.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating officers' performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

472.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the communications center, and a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

472.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

472.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- (a) Information obtained from outreach to group organizers or leaders.
- (b) Information about past and potential unlawful conduct associated with the event or similar events.
- (c) The potential time, duration, scope, and type of planned activities.

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- (d) Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

472.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with city government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

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472.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

472.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

472.7 USE OF FORCE

Use of force is governed by current Department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

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Any use of force by a member of this Department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

472.8 ARRESTS

The Oxnard Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

472.9 MEDIA RELATIONS

The public information officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

472.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

472.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

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promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

472.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

472.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

472.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

472.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including officers, or to

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bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

472.13.1 USE SUMMARY

The Professional Standards Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the Department's website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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472.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

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 their 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), Crossroads, LERMS, and Crimeview Dashboard are valuable resources 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 requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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Traffic Function and Responsibility

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

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Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

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 Personnel and Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 PERSONNEL

Management of the Traffic Unit would be the responsibility of the Special Projects Commander and coordination of the Traffic Unit would be the responsibility of the assigned traffic sergeants. 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 SERGEANTS

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.

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- (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).
- (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.

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- (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) 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 the distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Patrol Support Division Commander or other persons as required.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by employees of this department shall be reviewed by the Traffic Collision Investigator(s) for approval. The reports will then be forwarded to the Records Unit for data entry into the Oxnard Police Department Records Management System (RMS).

Traffic Collision Investigator(s) 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 the reports are forwarded to the Record Unit.

502.3.1 DISPATCH RESPONSIBILITIES

- (a) The Oxnard Police Department does not respond to collisions that occur on private property unless:
 - (b) A fatality or injury is sustained by an involved party.
 - (c) A criminal offense is involved (DUI, hit and run, etc.).
 - (d) Substantial property damage is involved.
 - (e) Damage to City vehicles or property has occurred.
 - (f) An involved driver refuses to identify himself/herself or exchange information.
 - (g) There is damage that creates a risk to public safety.

Absent one of the above conditions, officer and civilian staff will not respond to private property collisions. Upon determining that a collision occurred on private property and a response is not warranted, the dispatcher will:

- (a) Advise the involved parties that an officer is not going to respond.

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- (b) Advise the involved parties that a report is not required by law and to exchange information.
- (c) Provide the involved parties with a case number.

The Oxnard Police Department will respond to collisions that occur on public roadways, highways, and property within the jurisdiction of this Department if:

- (a) A fatality or injury is sustained by an involved party.
- (b) A criminal offense is involved (DUI, hit and run, etc.).
- (c) Damage to City vehicles or property has occurred.
- (d) An involved driver refused to identify himself/herself or exchange information
- (e) An involved driver is unlicensed or uninsured.

Upon receiving a call of a traffic collision on a public roadway, highway or public property, the dispatcher will determine if the collision requires an officer response. If an officer is not required, the dispatcher will:

- (a) Advise the involved parties that a report is not required by law and to exchange information.
- (b) Advise the involved parties that a report may be completed online through the Department's Coplogic system.

502.4 REPORTING SITUATIONS

502.4.1 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).

502.4.2 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 that caused the collision (PCF) and the driver will be cited or arrested for the particular (PCF).
- (c) When a hit and run collision occurs and there is sufficient information to lead to the identification of the hit and run vehicle and/or driver. Reports shall be taken on all injury hit and run collisions.

502.4.3 TRAFFIC COLLISION REPORT-PROPERTY DAMAGE ONLY

In the event of a traffic collision involving property damage only (PDO) where a report may be requested, with no injuries or fatalities, no City vehicles involved, and there is no anticipated prosecution, the responding officer shall:

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- a. Inform all parties involved that a report is not required by law.
- b. Issue a citation to any driver in violation of driver's license requirements and/or insurance requirements.
- c. Document the incident on the OPD 5192 form.
- d. Provide each driver with a copy of the OPD 5192 form.
- e. Advise the drivers to report the collision to their respective insurance companies.
- f. Advise each party to complete and submit a California Department of Motor Vehicles Form SR-1, CALIFORNIA TRAFFIC ACCIDENT REPORT within 10 days.
- g. Document on their MDC or through dispatch that the OPD 5192 form was completed.
- h. Turn the OPD 5192 form into the Records Division.

502.4.4 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES OR CITY OWNED PROPERTY

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, or when City-owned property is damaged. 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 Traffic Collision Investigator.

Photographs of the collision scene and vehicle damage shall be taken to document the incident/damage.

502.4.5 TRAFFIC COLLISIONS INVOLVING POLICE DEPARTMENT VEHICLES/DAMAGE TO POLICE VEHICLES

Employee responsibilities:

- Notify a supervisor of the incident.
- Complete a Motor Vehicle Incident Report (MVIR).
- Fax a copy of the MVIR to:
 - City's Risk Management at (805) 385-7455
 - Fleet Services at (805) 385-8053

If the damaged vehicle is dropped off after hours to Fleet Services, a copy of the MVIR should be placed inside the vehicle so repair can commence immediately.

- Provide the original MVIR to the Traffic Investigator.

Supervisor responsibilities:

- Ensure that the MVIR and traffic collision report (if applicable) is completed.
- Ensure photographs have been taken of the scene and the involved vehicles/property.

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- When the Vehicle Incident/Collision Review report is returned for final disposition, the appropriate action should be taken and noted on the form.
 - 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:
 - A non-injury incident resulting in minor damage with no recent (12 months) history of preventable incidents may result in a verbal reprimand, counseling or an inspection report.
 - 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.
 - Incidents of a more serious nature such as injury, major property damage, a flagrant act or omission may result in more severe discipline.
 - 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:
 - The degree of culpability in the current incident.
 - The conditions relevant to the incident (weather, speed, etc.).
 - The amount of property damage or loss.
 - The severity of the injuries arising from the incident.
 - Subsequent incidents, as described here, will be treated with increased severity.
 - A pattern of preventable incidents over a three-year period may also result in measures such as re-training, professional consultation and/or counseling.

Traffic Investigator responsibilities:

- Conduct an investigation into the circumstances of police vehicles involved collisions.
- Report the findings and conclusions on a Vehicle Incident/Collision Review Report.
- Provide a copy of the MVIR and the Vehicle Incident/Collision Review Report to the Professional Standards Unit, along with the number of preventable and non-preventable collisions in which the employee has been involved.
- Maintain a file of the MVIRs and notify risk management when and where the city vehicle is repaired (if applicable).

The Professional Standards Unit will ensure the appropriate discipline is imposed, the necessary notifications made, and that all documentation is completed and placed in the appropriate files.

502.4.6 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,

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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.

502.4.7 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.

502.5 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 / COMMUNITY SERVICE OFFICERS

TSA's and CSO's trained in the documentation of collisions may take collision reports except under the following circumstances:

- a. Fatal collisions or collisions that cause injury which may result in death.
- b. Hit and run collisions.
- c. Collisions involving a criminal investigation.

502.7 RECOVERABLE COLLISIONS

Government Code § 53150 and § 53156 provide for the recovery of up to \$12,000.00 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 a 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 quarterly basis, the Community Service Officer (CSO) assigned as the Alarm Coordinator and cost Recovery Specialist 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 and Release

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 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 members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Division as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, and where no preferred tow company is requested, the officer shall request a tow company 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.

If the involved party requests a private tow company or AAA tow, and the vehicle is not a hazard on the roadway, the driver should be instructed to contact the tow company to request service.

If the involved party requests a private tow company or AAA tow, and the vehicle is a hazard on the roadway, the officer should notify dispatch to contact the tow company. Dispatch shall contact the tow company and provide the location of the vehicle and advise that it is a hazard in the roadway to expedite the response.

If the private tow company or the AAA tow is unavailable, and the vehicle is still a hazard in the roadway, the on-call tow company should be requested.

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

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described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- 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.

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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, COMMUNICATION CENTER, AND BOOKING RESPONSIBILITY

Records, Communication Center, and Booking personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System (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 § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

- (a) The name, address, and telephone number of this [Department/Office].
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

510.3 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 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.

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- (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. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.4.1 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).

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) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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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; Vehicle Code § 22850.5).
- (b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- (c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 1. The vehicle was stolen.
 - 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 - 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 - 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- (d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the 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); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

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(b)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Oxnard Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The standardized field sobriety tests (SFSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

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 OR BICYCLIST AT A HOSPITAL

When there is probable cause to believe that an unconscious driver or bicyclist 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. As a result, absent actual consent (by words or

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conduct) or a valid exception to the warrant requirements, officers must obtain a search warrant to collect a sample of the suspect's blood. See *People v. Arredondo* 245 CA. App. 4th 186 (2016). After obtaining a warrant or if exigent circumstances exist, 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.

514.4 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:

- (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: Must obtain a warrant for an unconscious person).

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 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.

Officers transporting an individual to VCMC, or other local hospital for a blood draw, should take an EPAS device with them. If the arresting officer is not certified to use the EPAS, a certified officer shall be requested in a timely manner. If there are complications (unable to obtain due to medical issues or the force needed will shock the conscious) and the arrestee decides to voluntarily provide a sample, officers shall attempt to obtain one using the EPAS device.

514.6 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 trained medical personnel. If agreed upon, the Crime Lab envelope will be retrieved from the medical staff.
- (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 medical staff 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 medical staff member, 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.
- (g) In misdemeanor cases, if the suspect becomes violent to the extent that he/she cannot be controlled then additional force will not be used and a refusal noted in the report. A supervisor shall be present when blood is forcibly extracted from a suspect who is

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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. The forced blood draw shall be digitally recorded by use of audio and/or video. 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.

514.6.1 BLOOD DRAW REFUSALS; NARCOTICS

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:

- (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.

514.7 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained; or
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's bloodstream. Exigency can be established by the existence of special facts such as lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

514.7.1 FORCED BLOOD SAMPLE; SUPERVISOR RESPONSIBILITY

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 shall request a supervisor to respond. The responding supervisor shall:

- (a) Ensure a search warrant has been obtained (Missouri v. McNeely [2013] 133 S.Ct. 1552)

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- (b) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (c) 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.
- (d) 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.
- (e) Ensure that the withdrawal is taken in a medically approved manner.
- (f) Ensure the forced withdrawal is recorded on audio and/or video.
- (g) Monitor, control, and ensure that the type and level of force applied is reasonable under the circumstances:
 - (a) Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - (b) 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.
 - (c) In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
- (h) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

514.7.2 AVAILABLE LOCATIONS FOR FORCED BLOOD DRAWS

The Ventura County Medical Center is the only authorized location for the forced withdrawal of blood samples. St. John's Regional Medical Center will not collect forced blood samples. According to Emergency Department 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."

514.8 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)).

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514.8.1 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test and if it can be accomplished without undue delay, personnel trained in the use of an E-Pas device may collect the sample either in the field or 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)).

514.8.2 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)).

514.8.3 CHEMICAL TEST REFUSALS

When a person refuses to provide a viable chemical sample, officers should:

- (a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio-record the admonishment and the response if 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)).

514.8.4 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).

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514.8.5 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).

514.8.6 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).

514.9 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.

514.9.1 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:

- (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.

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514.9.2 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.

514.10 ARREST AND INVESTIGATION

514.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- (a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- (c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Traffic Citations

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 Records Division shall be responsible for the supply and accounting of all traffic citations issued to employees of this Department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Field Services Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

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 Division Commander 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. When an officer needs to dismiss or void a traffic citation, the officer must complete a Request to Dismiss Citation form, provide a reason for dismissal, and route the request through his/her chain of command for approval. The officer may provide the reason on a separate memorandum and attach it to the request. The officer's sergeant will review the request and forward up their chain of command to the Bureau Chief for a final decision.

Once the Bureau Chief has approved the request, he/she will forward the request to the Records Manager for final processing. The Records Manager will ensure the appropriate paperwork is filed with the Ventura County Superior Court's Traffic Division to formally dismiss the traffic citation. All paperwork related to the dismissal will be scanned with the citation and filed under the appropriate incident number.

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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.

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 (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the 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 their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

516.7.2 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)).

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- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

516.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

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.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

520.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

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 § 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 chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the 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 24 hours prior to removal.

All 72-Hour Warning Cards shall be submitted to the Traffic Unit for computer data entry.

If a 72-Hour Warning 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 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

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having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

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.

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- (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 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.

Chapter 6 - Investigation Operations

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Follow the guidelines stipulated in the Ventura County Multi-Disciplinary Interview Center Procedural Policy.

602.3 INVESTIGATION AND REPORTING

In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.4 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information

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to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Family Protection Unit Supervisor upervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.5 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
 - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

602.6 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Emergency Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

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Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.6.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 - (a) The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 - (b) 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).

602.6.2 VICTIM CONFIDENTIALITY

Officer investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this Department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

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Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.7.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.7.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
- (a) Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

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- (b) Absent a written request, no member of this Department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 - 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 - (a) 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.
 - (b) No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.7.3 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.

602.7.4 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property/Evidence Custodian or Records Manager supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.7.5 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

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602.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Family Protection Unit Sergeant..

Classification of a sexual assault case as unfounded requires the Family Protection Unit Sergeant to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.9 CASE REVIEW

The Family Protection Unit Sergeant should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Investigative Services Bureau Commander.

Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.2 POLICY

The Oxnard Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Oxnard Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact the DEU supervisor or a DEU 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 DEU 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 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

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- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 - 1. The property subject to forfeiture is legally seized incident to an arrest.
 - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officer aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

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.

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606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.4.1 ASSET FORFEITURE FILES

A file for each asset forfeiture case shall be kept in the DEU 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).
- (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.

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Asset Forfeiture

606.5 MAINTAINING SEIZED PROPERTY

The Property/Evidence Custodian is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

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.

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Unmanned Aerial System

610.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

610.1.1 DEFINITIONS

Definitions related to this policy include:

- (a) Certificate of Authorization (COA): Given by the Federal Aviation Administration (FAA) and grants permission to fly the UAS within specific boundaries and parameters.
- (b) City: The City of Oxnard
- (c) Part 107: A set of standards set by the FAA that regulates the operations of unmanned aircraft operated by commercial and public operators.
- (d) UAS Unit Observer: A member of the Oxnard Police Department, Oxnard Fire Department, or other designated City employee who is trained and authorized to maintain observation of the UAS while in flight.
- (e) UAS Unit Pilot: A member of the Oxnard Police Department, Oxnard Fire Department, or other designated City employee who is trained, certified and authorized to control a UAS during flight.
- (f) Unmanned Aerial System (UAS): An unmanned aircraft of any type that is capable of sustaining direct flight, whether pre-programmed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means. UAS are commonly referred to as unmanned aerial vehicles (UAV) or "drones."
- (g) Unmanned Aerial Vehicle (UAV): a small, unmanned aircraft weighing less than 55 lbs.

610.2 POLICY

It is the policy of the Oxnard Police Department to use unmanned aerial systems to enhance the Department's ability to protect lives and property, and document crime scenes and collision scenes, and perform a variety of missions that promote public safety and public service. UAS Unit missions will be accomplished efficiently and safely while respecting the law and the privacy of the public. All UAS applications will obey Federal, State and City laws, and shall respect Constitutional rights, privacy rights, search and seizure regulations, and Federal Aviation Administration (FAA) regulations.

610.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

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Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

610.4 UAS UNIT PERSONNEL

The UAS Unit is a collateral assignment that includes both sworn and civilian personnel from the City. Regardless of which City department the personnel belong to, all UAS Unit personnel shall abide by this policy.

610.4.1 UAS UNIT COMMANDER

The Chief of Police will designate a Police Commander, who will be responsible for the oversight and management of the UAS Unit. The UAS Unit Commander will ensure that policies and procedures conform to current laws, regulations, and best practices, and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process, and ensuring that the COA is current.
- Ensuring that all authorized pilots and required observers have completed all required FAA and Department-approved training in the operation, applicable laws, policies, and procedures regarding the use of a UAS.
- Managing protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during developing incidents. Deployment of a UAS shall require the written authorization of the UAS Unit commander or the authorized designee, depending on the type of mission. Written authorization may include text, email or electronic format.
- Managing a protocol for assisting criminal investigations with the use of a UAS.
- Managing protocol for public notification of UAS deployment, and ensuring that proper public notifications are made when appropriate.
- Managing protocol governing the deployment and operation of a UAS including, but not limited to: safety oversight, use of visual observers, the establishment of UAS contingency procedures, and ensure communication with air traffic control facilities.
- Managing protocol for fully documenting all UAS missions.
- Managing UAS inspection, maintenance, and record-keeping protocol to ensure the continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Managing protocols to ensure that all UAS obtained data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to the chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Managing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.

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- Serving as the official custodian of records for UAS obtained data or imagery, and responsible for the review and processing of such data pursuant to requests for records (e.g public records requests, subpoenas, legal discovery, etc.).
- Recommending unit enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports to the Chief of Police.

610.4.2 UAS SERGEANT

The UAS Unit Commander shall assign a Police Sergeant to serve as the supervisor of the UAS unit. The sergeant is responsible for the following:

- Ensuring that all flight operations personnel understand and adhere to applicable regulatory requirements, standards, and organizational safety policies and procedures concerning UAS operations.
- Observing and controlling safety systems by monitoring and supervision of UAS pilots and observers.
- Monitoring pilot/observer performance compliance with organizational goals, objectives, and regulatory requirements.
- Maintaining standards and the practices of UAS Unit personnel.
- Ensuring that the UAS safety officer receives the proper training to fulfill the duties of this role.

610.4.3 UAS PILOTS

- To be considered for selection as a UAS pilot, applicants must be in good standing with the Oxnard Police Department and meet any other standards required by the UAS Commander. City personnel from outside the Police Department must also be in good standing with their own department.
- A UAS pilot's primary duty is the safe and effective operation of the Oxnard Police Department's UAS in accordance with manufacturers' approved flight manual, FAA regulations, and agency procedures. Pilots must remain knowledgeable of applicable FAA regulations; the UAS manufacturer's flight manual, and the Oxnard Police Department's UAS manual, in addition to this policy.
- Pilots must maintain a valid FAA Part 107 certificate.
- In order to fly a mission (other than flights required for initial training or currency), pilots must have completed department required UAS training, as may be modified from time to time, including three (3) UAS currency events, within the previous 90 days. Currency events include landings, takeoffs, and simulator flights.
- Night missions requirements are the same as those in subsection (d), but the currency events must be completed at night. A simulator may not be used to complete night currency.

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- UAS pilots may be temporarily removed from flight status at any time by the UAS Unit Commander, for reasons determined by the UAS Unit Commander. These reasons may include but are not limited to, performance, proficiency, and the like.

610.4.4 UAS FLIGHT SAFETY OFFICER

Safety is the responsibility of all UAS Unit members. A UAS unit member may be designated as the UAS flight safety officer. The position will be in addition to other duties. The flight safety officer's duties may include:

- Copy and circulate pertinent safety information.
- Assist the sergeant in debriefing training sessions with an emphasis on safety concerns.
- Periodically preparing a bulletin that contains reported safety-related problems and corrective actions taken. If there were any in-flight problems, the proper procedures for handling that problem will be discussed.

610.4.5 FLIGHT OBSERVER

The UAS Unit shall designate personnel to serve in the role of UAS Unit Flight Observer. The flight observer's primary purpose is to maintain UAS situational awareness and coordinate operations between the UAS and ground personnel.

- The flight observer(s) must have completed the mandatory flight observer(s) training set forth by the UAS Sergeant.
- In addition to the UAS Pilot, every UAS operation must have a UAS Flight Observer.

610.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

610.5.1 AUTHORIZED UAS MISSION TYPES

UAS are intended to serve as a benefit to public safety and/or public service, improve operational safety, or help manage incidents or events. Authorized UAS use is permissible only in areas where there is no protectable privacy interest at issue, when in compliance with a search warrant or court order, or in emergency or exigent circumstances.

Authorized UAS mission types include:

- (a) **INCIDENT DOCUMENTATION:** This includes the use of UAS to photograph or diagram scenes of traffic collisions, crime scenes, critical incidents, or such events

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deemed necessary due to their size, scope, or complexity. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.

- (b) **FIELD OPERATIONS SUPPORT:** This policy authorizes the use of UAS to assist first responders in the course of their duties for the purpose of increasing safety, reducing the risk of injury to officers, suspects, and bystanders, and to increase the likelihood of bringing incidents to successful resolutions. General examples of such use include: responding to calls for service, providing overwatch, assisting with directed (specific purpose) patrol efforts, and assisting field personnel in the performance of their duties. Specific scenario examples include, but are not limited to assisting with: perimeter searches for suspects, suspect apprehensions, contacting barricaded and/or suicidal persons, and hostage situations. This mission type does not authorize the UAS to perform random patrol functions. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (c) **TACTICAL OPERATIONS SUPPORT:** This policy authorizes UAS deployment as part of a SWAT or tactical operation. Deployments inside buildings or other structures shall be subject to the restrictions currently in place for deploying robots, pole cameras, and other observation devices utilized by SWAT, to include search warrant requirements. Use of UAS in this capacity must be authorized by the UAS Commander or higher.
- (d) **INVESTIGATIVE SUPPORT:** This policy authorizes the use of UAS to support the furtherance of a criminal investigation in which there is probable cause to believe that: use of UAS will capture images of a place, object, condition, behavior or event, and those images support to corroborate that a felony has been committed, or tends to show that a particular person committed a felony. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (e) **AREA SEARCHES:** This policy authorizes the use of UAS to conduct area searches, such as for missing persons or evidence in areas that are unsafe to traverse or are inaccessible. Use of the UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (f) **SEARCH AND RESCUE:** This policy authorizes the use of UAS to conduct area searches and assist rescue operations for persons in areas that are unsafe to traverse, expansive or are inaccessible. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (g) **EXPLOSIVE DEVICE INVESTIGATION SUPPORT:** This policy authorizes the use of UAS to assist personnel who are investigating a possible explosive device. Reasonable suspicion that the device may be explosive, and that use of the UAS will reduce the hazard to personnel and the public is required. Use of the UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (h) **HAZARDOUS MATERIAL RESPONSE OPERATION SUPPORT:** This policy authorizes the use of UAS to assist personnel who are investigating a possible hazardous material situation. Reasonable suspicion that the substance may be hazardous material, and that use of the UAS will reduce the chance of death or injury to personnel and the public is required. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.

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- (i) **ILLEGAL FIREWORKS DETERRENCE AND ENFORCEMENT:** This policy authorizes the use of UAS to address the illegal use of fireworks. The UAS primary role is to identify locations where illegal fireworks are ignited and/or detonated. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (j) **FIREFIGHTING OPERATION SUPPORT:** This policy authorizes the use of UAS to support firefighters in their effort to contain and extinguish a fire. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (k) **FIRE INVESTIGATION SUPPORT:** This policy authorizes the use of UAS to support firefighters in their effort to investigate the cause or origin of a fire. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (l) **DISASTER / MASS CASUALTY EVENT RESPONSE AND RECOVERY OPERATION SUPPORT:** This policy authorizes the use of UAS to support the response to a disaster (natural or man-made) or mass casualty event, for the purpose of assessing the incident, coordinating the deployment of involved resources, and gathering information for safety purposes. In such events, UAS may be used to assist in the process of locating and recovering casualties. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (m) **EVENT PLANNING AND MANAGEMENT:** This policy authorizes the use of UAS to assist in the planning of events, namely those that cover large areas, and have significant vehicular or pedestrian counts. UAS may be used to monitor traffic flow and patterns, as well as that of crowds, as well as suspicious behavior. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (n) **AERIAL SURVEYING AND GEOGRAPHIC INFORMATION SYSTEMS (GIS) SUPPORT:** This policy authorizes the use of UAS to perform mapping and surveying functions related to the City's geographic information systems. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (o) **BUILDING AND PUBLIC WORKS INFRASTRUCTURE SUPPORT:** This policy authorizes the use of UAS to support public works functions, including but not limited to inspections/assessments of buildings, infrastructure, and traffic engineering. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (p) **TRAINING:** Regular and ongoing training is required for all UAS Unit personnel that perform in the role of UAS Pilot.
- (q) **MUTUAL SUPPORT:** This policy authorizes the use of UAS to provide mutual aid to other jurisdictions when requested. The requested mission must fall within the authorized mission types that are outlined in this policy.

In circumstances outside of the scope of this policy, personnel should consult with the City Attorney's Office prior to engaging in UAS use.

610.5.2 ASSISTING OTHER CITY AGENCIES

A UAS may be deployed to assist another City agency as long as the deployment is authorized by the UAS Unit Commander or higher, and the UAS is operated in accordance with this policy.

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610.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used for:

- Conducting random patrol or surveillance activities.
- Monitoring a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- Harassing, intimidating or discriminating against any individual or group.
- Conducting personal business of any type.

No Department UAS shall carry weapons or armament of any kind.

610.7 UAS OBTAINED DATA

All UAS flights, excluding training flights, shall be recorded in their entirety. All such recordings shall be deemed as Department property, and retained by the Department per an established retention schedule.

- (a) Employees shall not retain recordings of activities or information obtained during an on-duty UAS deployment. Employees shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes. Unless for official business, recordings of any type shall not be posted to or distributed via the internet, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video or other file sharing sites without prior approval from the Chief of Police.

610.8 TRAINING WITH UAS VIDEO FILES

Video files and images from a UAS deployment may serve as a training tool for individuals, specific units, and the Department. Department members recommending utilization of a UAS video file for training purposes will submit the recommendation for the approval through the chain of command to their Division Commander, who will present the request to the UAS Unit Commander.

610.9 FLIGHT LOGS

Each UAS Pilot will maintain a standardized flight log. Following the completion of any flight, pilots will log the date, flight time and locations of all UAS deployments. All UAS Flight logs shall at a minimum note: case number, incident type, purpose of flight, duration of flight, maximum altitude, and specify whether automated flight or manual flight.

610.10 RETENTION OF UAS DATA AND RECORDS

- (a) Data collected by the UAS shall be retained as provided in the established records retention schedule.
- (b) All data collected 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 2 1/2 years.
- (c) Any recording associated with a criminal case will be retained in the same manner as evidence for that case, but shall not be purged prior to 2 1/2 years.

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- (d) All UAS flight logs shall be retained as provided in the established records retention schedule.

610.11 RELEASE OF RECORDINGS

Recording made using any City-owned UAS pursuant to this policy are deemed as Department and City records, and may only be released as provided in Policy Manual § 810 (Release of Records and Information) or for other authorized legitimate Department business purposes.

610.12 REVIEW OF RECORDED MEDIA FILES

- (a) When preparing written reports or for oral statement or testimony, employees may review UAS 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. The UAS Unit Commander or Sergeant may routinely inspect recordings, provided that the inspections are reasonable, conducted in good faith, and not for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident. Recorded files may also be reviewed:
 - 1. By an employee, his or her attorney or representative, who is participating in, as a subject or witness, an official investigation, such as a personnel complaint, administrative investigation or criminal investigation, if the subject officer's image or voice is captured on the recorded file or the officer was present during the incident.
 - 2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
 - 3. By media personnel with permission of the Chief of Police or the authorized designee.
 - 4. In compliance with a public records request, if permitted, and in accordance with Policy Manual § 810.

Warrant Service and Residential Searches

611.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants, and for conducting probation/parole searches of residences by members of this Department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

611.2 POLICY

It is the policy of the Oxnard Police Department to balance the safety needs of the public, the safety of Department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

611.3 DIVISION COMMANDER

The Division Commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with their involved supervisor to determine the risk level of the warrant service.

The Special Operations Commander will have the responsibility to coordinate service of those warrants that are categorized as high risk or highest risk.

Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

611.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the search warrant checklist and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

611.4.1 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains the following, as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

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- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application.

611.4.2 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Division Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- a. Identity of team members
- b. Roles and responsibilities
- c. Familiarity with equipment
- d. Rules of engagement
- e. Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the appropriate Division Commander. The Division Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Division Commander should ensure that members of the Oxnard Police Department are utilized appropriately. Any concerns regarding the requested use of Oxnard Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Division Commander is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Oxnard Police Department jurisdiction, the appropriate Division Commander should provide reasonable advance notice to the applicable agency, request

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Category	Value (approximate percentage)
1	10
2	100
3	100
4	100
5	100
6	80
7	100
8	10
9	95
10	100
11	40
12	100
13	100
14	25
15	100
16	65
17	95

525

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Warrant Service and Residential Searches

- e. Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- f. Reasonable care provisions are made for children and dependent adults.
- g. A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- h. A copy of the search warrant "Notice of Service" and property receipt is left at the location.
- i. The condition of the property is documented with video recording or photographs after the search.
- j. Every attempt will be made to secure a searched location, if left unoccupied, upon police departure.
- k. Any requests for reimbursement for damage caused by department personnel should be referred to the City Clerk's Office.
- l. In the event a search warrant or probation/parole search is executed at the wrong location, the supervising officer on scene will make immediate notifications to their division commander. The division commander will immediately contact the Professional Standards Commander and the Duty Chief.

611.5.2 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

611.5.3 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

611.6 HIGH-RISK WARRANT SERVICE

The Special Operations Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk or highest risk and shall have sole authority in

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Warrant Service and Residential Searches

determining the manner in which the warrant will be served, including the number of officers deployed.

611.7 ARREST WARRANTS

In the event of a pre-planned service of an arrest warrant, where forced entry is anticipated and should be reasonably expected, the officer shall complete the search warrant checklist and submit it to the appropriate supervisor and the Division Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Special Operations Commander or designee. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

611.8 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.

b. Prior to conducting a probation/parole search, the officer shall conduct a location search of CAD to determine not only any elevated risks that may be indicated by prior police contact, but also when the last probation search was conducted. If the check reveals a recent probation/parole search that the officer is unaware of, the officer will make every reasonable effort to contact the previous officer to ascertain the circumstances and to determine if another search is in order.

c. Prior to conducting such a search, the officer shall conduct an in-custody check to ascertain if the probationer/parolee is in custody. The in-custody check will include County Jail, Juvenile Hall, State Corrections and the California Youth Authority.

d. The "Search Warrant Checklist" will be used as a guide to assist the officer in preparing to conduct a probation/parole search. Should any of the high-risk criteria exist, the officer shall contact his/her supervisor before proceeding further. Absent high-risk criteria, the checklist need not be completed and filed.

611.9 MEDIA ACCESS

No advance information regarding warrant service operations or probation searches shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

611.10 TRAINING

The Unit Supervisor or designee should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service, probation/parole searches and reporting requirements.

Operations Planning and Deconfliction

612.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of search warrants..

Additional guidance on planning and serving search warrants is provided in the Warrant Service and Residential Searches Policy.

612.2 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.

612.3 DEFINITIONS

Definitions related to this policy include:

Lower Risk- A search warrant that may be served by one or two investigators and/or patrol personnel; does not require a tactical team.

Moderate Risk- A search warrant that may be served at the unit level.

High Risk- A search warrant that will be served by SWAT.

Highest Risk- A search warrant that will be served by SWAT.

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Operations Planning and Deconfliction

612.4 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 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 supervisor from the responsibility that accompanies the 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.

612.4.1 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.

Exceptions: There will be no need to complete a search warrant checklist where no entry into a physical location will occur. These are situations where there is no known risk. They include but are not limited to, bank records, business records, phone records, buccal samples, blood samples, vehicles, and secured crime scenes.

612.4.2 OPERATIONS PLAN PREPARATION

(a) All tactical operations involving the service of search warrants shall have a written operations plan. This plan and respective checklists shall be retained for five (5) years from the date of its execution. The unit serving the warrant will maintain it.

(b) The department's operations plan format is designed to accommodate a broad range of anticipated situations, while at the same time maintaining a systematic approach to planning and documentation. The use of this format will ensure consistency and uniformity in the planning and documentation of information pertaining to tactical operations. To the extent possible, it is preferable for operations plans to be computer generated to simplify editing, correcting, and storage of materials, including the back up files/disk/s. A copy of the format is posted in the

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612.4.5 SEARCH WARRANT CHECKLIST

Investigators will present the search warrant checklist and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Division Commander.

The supervisor and Division Commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

612.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The investigator who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The investigator should also enter relevant updated information when it is received.

If any conflict is discovered, the investigator will contact the involved jurisdiction and resolve the potential conflict before proceeding.

612.10 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - (a) Exceptions may be made by the division commander for investigators who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law

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enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

- (d) The briefing should include details of the communications plan.
 - (a) It is the responsibility of the division commander to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to arriving at the location.
 - (b) If the radio channel needs to be monitored by Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

612.6 SERVICE OF HIGHEST-RISK AND HIGH RISK OPERATIONS

a. Should a proposed operation contain one or more of the hazards listed as items 1 through 4 on the Search Warrant Checklist, it shall be deemed "highest risk" and service by SWAT shall be required.

1. There are certain mitigating factors that may be cause to reduce the risk level from "highest risk" to "high risk." The division commander of the unit requesting the warrant service may downgrade the risk level after conferring with the Special Operations Commander.

b. If a proposed operation contains two or more hazards listed as items 5 through 12 on the Search Warrant Checklist, it shall be deemed "high risk" and it is required that SWAT be contacted. A SWAT Sergeant or his/her designee will assess the situation and assist the investigator(s) in determining whether or not SWAT personnel will be needed. The responsibility for deciding whether a "high risk" warrant will be served by the SWAT Team or by the investigation unit rests with the Special Operations Commander or his/her designee.

612.6.1 SERVICE OF LOWER RISK AND MODERATE RISK SEARCH WARRANTS

a. All entries into a person's residence contain many unknowns and are inherently dangerous. Those operations that do not rise to the "high risk" definition, but also do not fall within the "lower risk" definition will be considered "moderate risk."

1. A sergeant shall be required to be present during the service of all search warrants except "Low Risk" warrants.

b. "Lower risk" operations include those situations that represent minimal risk. Examples would include search warrants for bank and business records, locations that are already secured and might include situations such as non-violent juvenile suspects who reside with their parents. These types of situations need to be judged on a case-by-case basis.

1. Investigators and their supervisor wishing to classify a search warrant service as "low risk" must obtain the concurrence of their commander, or designee, who shall

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acknowledge by initiating the appropriate section of the Search Warrant Checklist. The decision to use or not use liability reducing tools, such as operations plans, on "low risk" warrants is the responsibility of the investigating unit's supervising sergeant and/or commander and should be critically evaluated.

2.Regardless of the risk factors, a Search Warrant Checklist must be completed before the service of any "low risk" search warrant.

612.8 OPERATIONS DEBRIEFING

All search warrant operations, with the exception of "low-risk", should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

612.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Bureau Chief. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

612.10 TRAINING

The Unit supervisor or designee should ensure personnel who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts, and reporting requirements.

Eyewitness Identification

615.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this Department employ eyewitness identification techniques (Penal Code § 859.7).

615.1.1 DEFINITIONS

Definitions related to the policy include:

Blind administration - The completion of a live lineup or photographic identification, where the officer does not know the identity of the suspect.

Blinded administration - The completion of a live lineup or photographic identification, where the officer showing the lineup to an eyewitness may know the identity of the suspect, but does not know where the suspect, or his or her photograph, has been placed or positioned in the identification procedure.

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

615.2 POLICY

The Oxnard Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

615.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

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The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

[illegible]

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Eyewitness Identification

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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.

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Department Owned and Personal Property

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

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 telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, iPads, or other wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 DEPARTMENT ISSUED PERSONAL COMMUNICATIONS DEVICES

Depending on a member's assignment and the needs of the assignment, the Department may, at its discretion, issue a PCD. Such devices are the sole property of the Department and shall be subject to inspection or monitoring at any time. Any records related to the use of a PCD are also subject to inspection or monitoring at any time. Personnel shall carry these Department-issued PCDs while on-duty, and this shall be the employee's primary contact number while on-duty.

Members shall only use technology resources provided by the Department while on-duty, or in conjunction with specific on-call assignments, unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, and email. A supervisor's authorization also applies to personally owned devices that are used to access Department resources.

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.

Members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil and criminal discovery or disclosure under applicable public records laws. If a personally owned PCD is used for business-related purposes, it may be subject to administrative audit and/or review by the Department.

As covered in Policy 452.10, personally owned PCDs shall not be used to access *Evidence.com*.

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) Members shall respond in a timely manner to phone calls or messages left on their Department-issued PCD. If the Department-issued PCD is not their primary contact

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Personal Communication Devices

number while off-duty, the member will keep their contact information updated with the Department and list a primary contact phone number.

- (b) Extended or frequent use of Department-issued PCDs, for personal use, may subject employees to discipline.
- (c) Excessive use of personally owned PCDs, while on-duty, for personal use, may subject employees to discipline.
- (d) While on-duty, 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, subd. (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.

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 recorded Communications Center phone lines. There will be no use of Public Safety Dispatchers' PCDs (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 cannot 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.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

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:

- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 5 Traffic cones
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container

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- 1 Hazardous waste disposal bag
- 1 Hazardous Materials Emergency Response Handbook
- 1 Fire extinguisher
- 1 Bottled water

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 Roll Crime Scene Barricade Tape
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Hazardous Materials Emergency Response Handbook
- 1 Fire extinguisher

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 the authorized location.

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.

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 PROFESSIONAL STAFF EMPLOYEE USE

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the "out of service" placards or lightbar covers at all times. Professional Staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Cash Handling, Security and Management

707.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure Department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

707.2 POLICY

It is the policy of the Oxnard Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of Department operations and ensure the public trust.

707.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

707.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

707.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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Cash Handling, Security and Management

707.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Narcotics Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for Department services shall discharge those duties in accordance with the procedures established for those tasks.

707.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Military Equipment

708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department, in this case the Oxnard City Council.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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708.2 POLICY

It is the policy of the Oxnard Police Department that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

708.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of the Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Oxnard Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the Department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

708.4 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or his/her authorized designee shall ensure the proposed military equipment policy is submitted to the governing body, and is available on the Department website at least (30) days prior to any public hearing concerning the military equipment at issue (Government Code § 7071).

The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

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- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

708.5 COORDINATION WITH OTHER JURISDICTIONS

This policy recognizes the need for agencies to provide assistance to each other, whether in ongoing combined or regional operations, occasional planned operations, or in exigent circumstances. Where applicable to the provisions of Government Code § 7070 through § 7075, such assisting agencies must comply with their respective military equipment use policies when rendering assistance.

708.6 EXTRAORDINARY CIRCUMSTANCES

This policy also recognizes that there may be very limited or extreme instances where incidents of extraordinary nature could demand the need for incident commanders to authorize Department personnel to use equipment not specified in this policy. This decision must be influenced by the totality of the circumstances, including the due regard for the public's safety, officer safety, respecting civil rights, seriousness of the situation, and other information available at that time. Should such extreme instances occur that call for members of this Department to use equipment not specified in this policy, the incident commander shall, if practical, notify the Chief of Police via the chain of command prior to deploying such equipment. Should such circumstances occur, the Chief of Police or his/her designee, shall notify the City Council as soon as practical, and indicate any such uses in the required annual report.

708.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or his/her authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

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- (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Chief of Police or his/her authorized designee shall also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department inventory.

708.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

708.9 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying "military equipment" for the Department. This inventory may include equipment the Oxnard Police Department does not currently possess but intends to acquire:

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Govt. Code §7070(c)(1)

Quantity Owned/Sought: 1 owned

Lifespan: 200-300 flight hours

Equipment Capabilities: Remotely piloted aerial vehicles capable of providing real-time and recorded video images captured from aerial positions, including images enhanced by forward-looking Infrared (FLIR) and optical zoom lenses.

Manufacturer Product Description: *"The all-new DJI Matrice 300 RTK Commercial Drone System has created a new standard for the commercial drone industry. With inspiration from modern aviation systems, the DJI Matrice 300 RTK offers up to 55 minutes of flight time. The advanced flight control system, 6 Directional Sensing and Positioning systems, AI spot-checking, Smart Track, PinPoint, Location Sharing, and an all-new Primary Flight Display make the Matrice 300 RTK one of the most powerful and capable industrial platforms on the market."*

Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification, and mitigation; response to emergency calls; crisis communications

Fiscal Impacts: \$32,000 initial equipment purchase. The ongoing costs for software licensing and batteries will vary.

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Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations. Use is subject to Oxnard Police Department Policy Manual section 610.

Training Required: Personnel must possess a valid Federal Aviation Administration Part 107 certificate, complete a Department training course, and must continuously train in both night and daytime flight environments (three takeoffs/landings within 90 day periods).

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Govt. Code §7070(c)(1)

Quantity Owned/Sought: 3 owned

Lifespan: 200-300 flight hours

Equipment Capabilities: Remotely piloted aerial vehicles capable of providing real-time and recorded video images captured from aerial positions, including images enhanced by forward-looking Infrared (FLIR) and optical zoom lenses.

Manufacturer Product Description: *"The DJI Mavic II Enterprise features omnidirectional Vision Systems and Infrared Sensing Systems, and comes with a fully stabilized 3-axis gimbal camera with an equivalent 24-48 mm 2x optical enterprise lens capable of shooting 4k videos and 12-megapixel photos that support up to 6x FHD zoom. DJI signature technologies such as obstacle sensing and the advanced pilot assistance system, help you capture complex shots effortlessly. Additional features like the built-in AirSense make you aware of your surrounding airspace, and password protection helps you maintain secure access to your aircraft and protect your data. The Mavic II Enterprise also has attachable modular accessories like the M2E spotlight, M2E Beacon, and M2E Speaker that are purpose-built for various applications. The Mavic II Enterprise boasts a maximum flight speed of 44.7 mph and a maximum flight time of 31 minutes."*

Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification, and mitigation; response to emergency calls; crisis communications

Fiscal Impacts: \$3,500 purchase price per unit. The ongoing costs for software licensing and batteries will vary.

Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations. Use is subject to Oxnard Police Department Policy Manual section 610.

Training Required: Personnel must possess a valid Federal Aviation Administration Part 107 certificate, complete a Department training course, and must continuously train in both night and daytime flight environments (three takeoffs/landings within 90 day periods).

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Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Govt. Code §7070(c)(1)

Quantity Owned/Sought: 3 owned

Lifespan: 100-150 flight hours

Equipment Capabilities: Remotely piloted aerial vehicles capable of providing real-time and recorded video images captured from aerial positions.

Manufacturer Product Description: *"The DJI Spark is a mini drone that features all of DJI's signature technologies, allowing you to seize the moment whenever you feel inspired. With intelligent flight control options, a mechanical gimbal, and a camera with incredible image quality, Spark empowers you to push your creative boundaries."*

Purpose/Authorized Uses: UAS/Drones may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification, and mitigation; response to emergency calls; crisis communications

Fiscal Impacts: \$400 purchase price per unit. The ongoing costs for software licensing and batteries will vary.

Legal/Procedural Rules Governing Use: Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations. Use is subject to Oxnard Police Department Policy Manual section 610.

Training Required: Personnel must possess a valid Federal Aviation Administration Part 107 certificate, complete a Department training course, and must continuously train in both night and daytime flight environments (three takeoffs/landings within 90 day periods).

Equipment Name: Unmanned, remotely operated ground vehicle – CA Govt. Code §7070(c)(1)

Quantity Owned/Sought: 1 owned

Lifespan: Approximately 10 years

Equipment Capabilities: The small remotely operated ground vehicle can be deployed quickly and is capable of providing live and recorded video images through several cameras including a pan, tilt, zoom camera. The vehicle has night vision capability. A built-in speaker and microphone provide the ability to establish verbal communications.

Manufacturer Product Description: *The RoboteX Avatar robot Enhances the capabilities of SWAT and tactical response teams by allowing them to quickly and safely inspect dangerous situations, there is no longer a need to send personnel in before you have had a chance to assess the situation."*

Purpose/Authorized Uses: Provides officers the ability to visually inspect hazardous environments and make two-way communication from a safe distance without exposing officers to potential hazards. The robot can be used during high-risk tactical situations, such as barricaded subjects and hostage rescues. The robot may also be used to inspect hazardous materials, possible explosive devices, and other hazardous situations.

Fiscal Impacts: \$12,433.87 initial purchase

Legal/Procedural Rules Governing Use: Absent exigent circumstances, a search warrant must be obtained prior to the robot entering a private dwelling. All search and seizure laws shall be adhered to. Use is subject to Oxnard Police Department Policy Manual section 610.5.1

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Training Required: Only SWAT Team personnel are authorized to control the robot, and only after completing operator training.

Equipment Name: Armored rescue vehicle – CA Govt. Code §7070(c)(3)

Quantity Owned/Sought: 2 owned

Lifespan: Approximately 20 years

Equipment Capabilities: Provides ballistic protection up to .50 caliber. Range: 100 miles.

Manufacturer Product Description: *"The Lenco Bearcat is a four-wheeled, five-speed automatic transmission, diesel engine-powered vehicle with ballistic resistant glass and armor rated to .50 caliber."*

Purpose/Authorized Uses: Provides ballistic protection to accommodate the safe transport, security, and rescue of agency personnel and members of the public in high-risk incidents. Used to support tactical operations.

Fiscal Impacts: \$265,000 initial cost; \$1,100 estimated average annual maintenance per unit.

Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class C driver's license. Refer to Oxnard Police Department Policy section 416.

Training Required: Annual briefing training.

Equipment Name: Large Mobile Command Vehicles – CA Govt. Code §7070(c)(5)

Quantity Owned/Sought: 2 owned

Lifespan: 80k - 100k miles

Equipment Capabilities: The vehicle is equipped with communications equipment, office equipment, workstations, dispatcher stations, and a small conference area.

Manufacturer Product Description: *"Mattman"*

Purpose/Authorized Uses: Provides incident managers the ability to coordinate and manage police resources during large-scale events or incidents.

Fiscal Impacts: ~\$750,000 (replacement value)

Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class B driver's license.

Training Required: Utilized by sworn personnel of the rank of Sergeant or higher. Does not require additional training.

Equipment Name: Command Vehicles – CA Govt. Code §7070(c)(5)

Quantity Owned/Sought: 4 owned

Lifespan: 80k - 100k miles

Equipment Capabilities: Ford Explorer chassis patrol vehicle, equipped with additional radio, mobile data computer, dry erase boards and storage cabinets. The vehicle has a range of approximately 300 miles.

Manufacturer Product Description: *"Mid-size modular forward command post designed to meet the most demanding operational needs of the mobile field commander"*

Purpose/Authorized Uses: Provides incident supervisors/managers the ability to coordinate and manage police resources during incidents.

Fiscal Impacts: \$38,000 purchase price of vehicle, \$3,374.19 cost to outfit the vehicle with equipment.

Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class C driver's license.

Training Required: Utilized by sworn personnel of the rank of sergeant or higher. Does not require additional training.

Equipment Name: Frangible breaching shotgun – CA Govt. Code §7070(c)(7)

Quantity Owned/Sought: 2 owned

Lifespan: Approximately 25 years

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Equipment Capabilities: The modified 12 gauge Remington 870 shotgun is designed to fire a copper or clay compressed frangible (brittle, fragile) projectile through door locking mechanisms and hinges. After defeating the hardware of a door, the projectile disintegrates, mitigating the risk for potential injury to bystanders.

Manufacturer Product Description: *"Royal Arms is the original inventor, as well as oldest manufacturer of: Breaching Stand-Off Device, 12 Gauge Breaching Shotgun, Copper & Clay Frangible Breaching Rounds."*

Purpose/Authorized Uses: Allows SWAT officers to quickly and safely and effectively breach doors and gates during high-risk search warrant services and hostage rescues.

Fiscal Impacts: Approximately \$800 per unit initial purchase. The ongoing cost for ammunition varies.

Legal/Procedural Rules Governing Use: Absent exigent circumstances, a search warrant must be obtained prior to entering a private dwelling. All search and seizure laws shall be adhered to. Use is subject to Oxnard Police Department Policy Manual section 611, and the Oxnard Police Department SWAT Manual.

Training Required: SWAT Team personnel are authorized to use the breaching shotgun after receiving the required training and have demonstrated the ability to utilize the tool safely and competently. SWAT Team personnel must undergo annual recertification and qualification.

Equipment Name: 5.56mm Semi-Automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)

Quantity Owned/Sought: 116 **Lifespan:** Approximately 15 years

Equipment Capabilities: Semi-automatic rifles that fire a 5.56mm projectile.

Manufacturer Product Description: The Colt Enhanced Patrol Rifle (EPR) is the next evolution in the world's most dependable, thoroughly field-tested patrol rifle.

Purpose/Authorized Uses: 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:

- Situations where the officer reasonably anticipates an armed encounter.
- When an officer is faced with a situation that may require accurate and effective fire at long range.
- Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- When an officer reasonably believes that a suspect may be wearing body armor.
- When authorized or requested by a supervisor.

Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force and Firearms including Oxnard Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.

Training Required: Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.

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Other Notes: These rifles are standard issue service weapons for officers and are exempted from this Military Equipment Use Policy per CA Govt. Code §7070 (c)(10). They have been included in this document in the interest of transparency.

Equipment Name: 5.56mm Semi-automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)

Quantity Owned/Sought: 20 owned

Lifespan: Approximately 15 years

Equipment Capabilities: Semi-automatic rifle capable of firing a 5.56mm projectile.

Manufacturer Product Description: *"The Sionics SAR-15 Lothar Walther German Stainless Steel Precision Barrel will give you unmatched accuracy as well as incredible accuracy at distance"*

Purpose/Authorized Uses: 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:

- Situations where the officer reasonably anticipates an armed encounter.
- When an officer is faced with a situation that may require accurate and effective fire at long range.
- Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- When an officer reasonably believes that a suspect may be wearing body armor.
- When authorized or requested by a supervisor.

Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force and Firearms including Oxnard Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.

Training Required: Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.

Other Notes: These rifles are standard issue service weapons for officers and are exempted from this Military Equipment Use Policy per CA Govt. Code §7070 (c)(10). They have been included in this document in the interest of transparency.

Equipment Name: .308 caliber bolt-action Rifle and Ammunition - CA Govt. Code §7070(c)(10)

Quantity Owned/Sought: 3 owned

Lifespan: Approximately 15 years

Equipment Capabilities: The Remington 700 Sniper Rifle fires a .308 caliber projectile at extended distances.

Manufacturer Product Description: *"The Remington 700 is the number one bolt-action of all time, proudly made in the U.S.A. For over 50 years, more Model 700s have been sold than any other bolt-action rifle before or since. The legendary strength of its 3-rings-of-steel receiver paired with a hammer-forged barrel, combine to yield the most popular bolt-action rifle in history"*

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Purpose/Authorized Uses: This rifle is exclusively authorized for use by a sniper-trained SWAT officer, and may be deployed in circumstances where the officer can articulate a reasonable expectation that the rifle may be necessary. Examples of some general guidelines for deploying the rifle may include but are not limited to:

- Situations where the officer reasonably anticipates an armed encounter.
- When the officer is faced with a situation that may require accurate and effective fire at long range.
- Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- When an officer reasonably believes that a suspect may be wearing body armor.
- When authorized or requested by a supervisor.

Fiscal Impacts: \$1,604.12 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force including Oxnard Police Department Policy Manual sections 300, 305, 310, 312, 314.7.3 and the Oxnard Police Department SWAT Manual.

Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy.

Equipment Name: .308 caliber bolt-action Rifle and Ammunition - CA Govt. Code §7070(c)(10)

Quantity Owned/Sought: 3 owned

Lifespan: Approximately 15 years

Equipment Capabilities: Accuracy International AT Law Enforcement fires a .308 caliber projectile at extended distances.

Manufacturer Product Description: *"The Accuracy International AT rifle series integrates the proven Accuracy International flat bottomed, precision machined action that is epoxy bonded and bolted to a chassis with the best features of the AW and AE models to set a new standard of expectation for precision tactical rifles. The AT is a configurable, mission-adaptable, long-range tactical rifle system offered in 308/7.62 NATO"*

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Purpose/Authorized Uses: This rifle is authorized for use by a Sniper-trained, SWAT Operator only and may be deployed 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 rifle may include but are not limited to:

- Situations where the officer reasonably anticipates an armed encounter.
- When the officer is faced with a situation that may require accurate and effective fire at long range.
- Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- When an officer reasonably believes that a suspect may be wearing body armor.
- When authorized or requested by a supervisor.

Fiscal Impacts: \$6,651 per rifle. The ongoing costs for ammunition vary, and maintenance is conducted by Department staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force including sections 300, 305, 310, 312, 314.7.3, and the Oxnard Police Department SWAT Manual.

Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy.

Equipment Name: "Flashbang" grenades - CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 124 owned **Lifespan:** 5 years

Equipment Capabilities: Produces 6-8 million candela of light and 175 decibels of sound

Manufacturer Product Description: *"The Mini Flash-Bang is the newest generation in the evolution of the Flash-Bang. Our Model 7290M Flash-Bang exhibits all of the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candela of light"*

The 7290-2 is a non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry, or other high-risk arrest situations.

Purpose/Authorized Uses: The light sound diversionary device ("flashbang") is a less-lethal device used during high-risk search warrants, arrests of armed and violent suspects, and hostage rescues. An intense bright light and loud noise are created temporarily overwhelming a suspect's senses which may potentially prevent a suspect from harming officers.

Fiscal Impacts: \$44.09 per unit (Model 7290M), \$59.32 per unit (Model 7290-2)

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual section 307. Operational use is under the purview of the SWAT Commander or Watch Commander.

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Training Required: SWAT personnel, K9 handlers, and former SWAT personnel assigned as patrol sergeants are authorized to carry light sound diversionary devices. All authorized personnel must attend a user's course taught by a POST-certified instructor and complete a qualification. Personnel must demonstrate proficiency and qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 20 owned

Lifespan: 5 years

Equipment Capabilities: A "less lethal" tool used to compel violent/ armed and barricaded suspects to exit structures when the circumstances are too hazardous for officers to enter. May also be used to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should proceed its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.

Manufacturer Product Description: *"CTS 5230B - CS baffled canister grenade, pyrotechnic, low flame potential grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire"*

Purpose/Authorized Uses: Less lethal tool used to compel violent/ armed and barricaded suspects from vehicles and structures when the circumstances are too hazardous for officers to enter. May also be used to disperse large, violent, and riotous crowds. Verbal warnings should precede its use when feasible.

Fiscal Impacts: \$38.00 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300, 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel who are responsible for formulating chemical agent deployment plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 11 owned

Lifespan: 5 years

Equipment Capabilities: Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.

Manufacturer Product Description: *"CS baffled canister grenade, pyrotechnic, low flame potential designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire"*

Purpose/Authorized Uses: Less lethal tool used to compel violent/ armed and barricaded suspects from vehicles and structures when the circumstances are too hazardous for officers to enter. Verbal warnings should precede its use when feasible.

Fiscal Impacts: \$38.00 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 17 owned

Lifespan: 5 years

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Equipment Capabilities: 40mm short-range CS chemical agent round with an effective range of 75 yards.

Manufacturer Product Description: *"Defense Technology 6282 40mm short-range CS chemical agent round is designed to deliver one dual-ported chemical canister from a 40mm launcher 75 yards to the intended target zone"*

Purpose/Authorized Uses: Less lethal chemical agent designed to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should precede its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.

Fiscal Impacts: \$34.55 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 7 owned

Lifespan: 5 years

Equipment Capabilities: Capable of delivering CS chemical agents quickly over a large area.

Manufacturer Product Description: *"Defense Technology Triple Chaser CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time"*

Purpose/Authorized Uses: Less lethal chemical agent designed to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should precede its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.

Fiscal Impacts: \$41.55 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300, 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 8 owned

Lifespan: 5 years

Equipment Capabilities: Small device capable of delivering a medium volume of CS chemical agent and smoke.

Manufacturer Product Description: *"Defense Technology Pocket CS Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent or smoke for certain situations. It was designed with the tactical team in mind for distraction, concealment, rescue, or signaling"*

Purpose/Authorized Uses: Less lethal device used to disperse a large smoke cloud with a medium volume of chemical agent. It is used by tactical teams in emergency situations to provide concealment, as well as a distraction during rescues of downed individuals and active shooter situations.

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Fiscal Impacts: \$19.20 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policies 300 and 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 5 owned

Lifespan: 5 years

Equipment Capabilities: Capable of quickly delivering a large volume of CS chemical agent to disperse violent crowds.

Manufacturer Product Description: *"Defense Technology Riot Control CS is designed specifically for outdoor use in crowd control situations, the Riot Control Grenade is a high volume continuous burn canister that expels its payload in approximately 20 - 40 seconds"*

Purpose/Authorized Uses: Less lethal chemical agent designed to compel large, violent, and riotous crowds to disperse from an outdoor area. Verbal warnings should proceed its use when feasible. Designed as a chemical agent dispersal tool and not an impact weapon.

Fiscal Impacts: \$27.05 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 8 owned

Lifespan: 5 years

Equipment Capabilities: Non-burning munition used to introduce CS chemical agents through doors and windows.

Manufacturer Product Description: *"Defense Technology CS ferret is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial"*

Purpose/Authorized Uses: Less lethal tool used to compel violent/ armed and barricaded suspects to exit from structures when the circumstances are too hazardous for officers to enter. Verbal warnings should proceed its use when feasible.

Fiscal Impacts: \$20.55 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 18 owned

Lifespan: 5 years

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Equipment Capabilities: Capable of delivering a large volume of Oleoresin Capsicum (OC) chemical agent in the form of mist.

Manufacturer Product Description: *"Defense Technology OC vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist"*

Purpose/Authorized Uses: Less lethal tool used to compel violent/armed and barricaded suspects to exit from structures and vehicles when the circumstances are too hazardous for officers to enter. Verbal warnings should precede its use when feasible.

Fiscal Impacts: \$44.45 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Chemical Agents – CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 10 owned

Lifespan: 5 years

Equipment Capabilities: Capable of delivering OC and CS chemical agent in vapor form.

Manufacturer Product Description: *"Defense Technology OC/ CS vapor is a unique grenade delivering an invisible vapor and rendering an intense respiratory effect. Provides best results when used indoors and requires no personal decontamination"*

Purpose/Authorized Uses: Less lethal tool used to compel violent/ armed and barricaded suspects from structures when the circumstances are too hazardous for officers to enter. Verbal warnings should precede its use when feasible.

Fiscal Impacts: \$53.10 per unit

Legal/Procedural Rules Governing Use: Use is subject to Oxnard Police Department Policy Manual sections 300 and 308.6. Operational use under the purview of the SWAT Commander or Watch Commander.

Training Required: SWAT personnel responsible for formulating chemical agent plans must attend California POST-certified chemical agent school and must recertify every three (3) years. SWAT Team officers may deploy chemical agents during high-risk SWAT operations after attending a chemical agents course taught by a POST-certified instructor. Officers must qualify annually.

Equipment Name: Pepper launcher/ pepper balls - CA Govt. Code §7070(c)(12)

Quantity Owned/Sought: 11 launchers owned

Lifespan: Approximately 15 years

Equipment Capabilities: The Pepperball launcher fires hard plastic frangible (fragile, breakable) spheres, each weighing 2.5 grams. The spheres contain Pava powder. The effective range for direct impact of an individual is 30 feet; the effective range is 150 feet for area saturation.

Manufacturer Product Description: *"The need for non-lethal options in daily patrol, crowd management, corrections, and other situations has never been greater. PepperBall, as the leading non-lethal option, allows officers to maintain distance from crowds and individual assailants. This reduces risk while enhancing the capability of officers to limit or control escalation, to repel or temporarily incapacitate threats, and to keep themselves and the public safe while performing their duties"*

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Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. The pepperball is a "less lethal" device that affords officers with force options that are intended to mitigate the likelihood of having to use lethal force.

Fiscal Impacts: \$499 per launcher. The ongoing costs for ammunition will vary and maintenance is conducted by Department staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force including sections 300 and 308.

Training Required: Initial orientation course, including qualifications, are provided by Department members who have attended a POST-certified instructor's course; annual recertification including qualifications are required by all operators.

Equipment Name: 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Govt. Code §7070(c)(14)

Quantity Owned/Sought: 4 owned

Lifespan: Approximately 15 years

Equipment Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, as well as chemical agents.

Manufacturer Product Description: *"Penn Arms 40MM launchers are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum, and DuPont super tough glass-filled nylon. These launchers are lightweight, versatile, and used worldwide by police and corrections officers"*

Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a "less lethal" use of force option, which serves as additional options to mitigate the possibility of using lethal force.

Fiscal Impacts: \$3,400 initial purchase per launcher, \$2,500 initial purchase of 40mm projectiles. The ongoing cost for munitions will vary.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force, primarily Oxnard Police Department Policy Manual sections 300 and 308.

Training Required: Initial orientation course including qualifications are provided by Department members who have attended a POST-certified instructor's course; annual recertification, including qualifications by demonstrated use in a training environment are required of all operators.

Equipment Name: Less lethal shotgun - CA Govt. Code §7070(c)(14)

Quantity Owned/Sought: 25 owned

Lifespan: Approximately 20 years

Equipment Capabilities: The Model 2581 Super-sock is a less-lethal impact munition fired from a standard 12 gauge shotgun. The super-sock projectile is a fabric bag filled with lead shot. The effective range is 75 feet.

Manufacturer Product Description: *"The Super-Sock is first in its class providing the point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects. The effective range is 75 feet"*

Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. The pepperball is a "less lethal" device that affords officers with force options that are intended to mitigate the likelihood of having to use lethal force.

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Fiscal Impacts: The 12 gauge shotguns used to deploy the Super-Sock impact munition are re-purposed Remington 870 shotguns, taken from the Oxnard Police Department weapons inventory. Approximately \$35.50 for a box of 5. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Oxnard Police Department Policies on Use of Force including sections 300 and 308.

Training Required: Initial orientation course including qualifications are provided by Department members who have attended a POST-certified instructor's course; annual recertification including qualifications are required by all operators.

Equipment Name: Unmanned, remotely operated ground vehicle – CA Govt. Code §7070(c)(1)

Quantity Owned/Sought: 1 sought

Equipment Capabilities: The small remotely operated ground vehicle can be deployed quickly and is capable of providing

Manufacturer Product Description: Transcend's Vantage robot is the world's only double-patented automatic stair and c

Purpose/Authorized Uses: Provides officers the ability to visually inspect hazardous environments and make two-way co

Fiscal Impacts:If acquired, this will be a donation made to the Oxnard Police Department. There would be no cost associ

Legal/Procedural Rules Governing Use: Absent exigent circumstances, a search warrant must be obtained prior to the

Training Required: Only SWAT Team personnel are authorized to control the robot, and only after completing operator tr

Equipment Name: Large Mobile Command Vehicle – CA Govt. Code §7070(c)(5)

Quantity Owned/Sought: 1 sought

Equipment Capabilities: The vehicle is equipped with communications equipment, office equipment, workstations, dispat

Manufacturer Product Description:The manufacturer has yet to be determined.

Purpose/Authorized Uses:Provides incident managers the ability to coordinate and manage police resources during larg

Fiscal Impacts: \$750,000

Legal/Procedural Rules Governing Use: Drivers must possess a valid California Class C driver's license.

Training Required: Utilized by sworn personnel of the rank of Sergeant or higher. Does not require additional training.

Notes: The Oxnard Police Department intends to purchase a new mobile command post to replace the two existing, aging

Chapter 8 - Support Services

Emergency Communications Center

802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Emergency Communications Center (ECC) . It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

802.2 POLICY

It is the policy of the Oxnard Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Oxnard Police Department's ECC functions as the City of Oxnard's Public Safety Answering Point (PSAP). The ECC provides two-way radio capability providing continuous communication between the ECC and the Departments personnel in the field.

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) Emergency Communications Center Operations Manual.
- (b) Emergency Communications Center Training Manual.

802.4 SUPERVISION

- (a) Public Safety Communications Manager
 - 1. Responsible for the direct management and operation of the ECC.
 - 2. Provides guidance and direction to all personnel assigned to the ECC.
- (b) Communications Supervisor (Public Safety Dispatcher III)
 - 1. Responsible for providing continuous and direct supervision of operations and personnel in the ECC.
 - 2. Responsible for having thorough knowledge and proficiency of all operating systems and information systems in the ECC.
 - 3. Ensure compliance of all established policies and procedures.
 - 4. Responsible for completing performance evaluations of those personnel which are supervised by respective PSD III's.
- (c) Communications Training Officer (CTO)
 - 1. Responsible for providing direct supervision and training of assigned probationary ECC personnel.

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2. In the absence of a Communications Supervisor, the most senior CTO on duty shall be viewed as the ranking PSD in charge of the ECC.

802.5 RESPONSIBILITIES

802.5.1 PUBLIC SAFETY COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to the Public Safety Communications Manager. The Public Safety Communications Manager reports directly to a Bureau Chief or an authorized designee.

The responsibilities of the Public Safety Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the ECC in coordination with assigned supervisors.
- (b) Coordinate the emergency and non-emergency communications network.
- (c) Oversee capital improvement plans, as well as the installation/maintenance of new 9-1-1 and radio communications equipment.
- (d) Perform strategic planning for short and long term objectives.
- (e) Develop and coordinate the implementation of policies and procedures; evaluate the need for changes in work procedures resulting from new laws and regulations.
- (f) Research, develop, and maintain contingency plans for handling critical incidents and ensure subordinates are properly trained.
- (g) Assist in the preparation of the communications center budget and expenses to efficiently utilize available resources.
- (h) Manage and coordinate various statistical systems, State 911 system, and ensure accuracy in reporting for State grant funding and other departmental uses.
- (i) Perform special projects or studies as assigned.
- (j) Represent the Police Department at communication related meetings.
- (k) Maintain dispatcher time, attendance and scheduling records.
- (l) Supervise, train, and evaluate personnel assigned to the ECC.
- (m) Ensure radio and telephone recording systems are operational.
 1. Maintain recordings and other documents in accordance with established records retention schedule(s) and as required by law.
- (n) Process requests for copies of ECC information for release.
- (o) Maintain ECC database systems and their efficient operations.
- (p) Ensure ECC personnel comply with established policies and procedures.
- (q) Maintain and update the ECC procedures manuals.
- (r) Handle internal and external inquiries regarding services provided.

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- (s) Accept personnel complaints in accordance with Department Policy and applicable laws.
- (t) Ensure thorough and proper investigation of citizen or administrative complaints directly involving ECC personnel, and provide findings and recommendations to the assigned Bureau Chief.
- (u) Maintaining a current contact list of City personnel, to be notified in the event of a utility service emergency.

802.5.2 ADDITIONAL PROCEDURES

The Communications Manager shall establish and maintain contemporary procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks).
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (h) the Communications Center.
- (i) Handling misdirected, silent, and hang-up calls.
- (j) Ensure the practices within the ECC for receiving, processing, and dispatching resources to alarm calls are efficient.
- (k) Radio interoperability issues.
- (l) Proper operation and maintenance of public safety communications infrastructure.

802.5.3 COMMUNICATIONS SUPERVISOR (PSDIII)

Communications Supervisors shall be responsible for:

- (a) Direct and continuous supervision of ECC personnel.
- (b) Ensuring efficient shift-to-shift operations and functions of the ECC.
- (c) Knowledge and application of operation and information systems.
- (d) Ensure ECC personnel comply with Department and Division policies and procedures.
- (e) Training and development of personnel assigned to the ECC.
- (f) Initial training of new communications personnel.
- (g) Operating and maintaining the CTO program.

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802.5.4 COMMUNICATIONS TRAINING OFFICER (CTO)

- (a) Provide on the job training to new dispatchers.
- (b) Document and evaluate trainee performance.
- (c) Providing guidance and support for trainees and probationary ECC personnel.
- (d) Assisting with the development and design of training programs.
- (e) Direct supervision of trainee.
- (f) Serving as the PSD in charge, in the absence of a Communications Supervisor.

802.5.5 DISPATCHERS

Dispatchers report to the Public Safety Communications Manager. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - 1. Emergency 9-1-1 lines.
 - 2. Business telephone lines.
 - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 - 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 - 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through ECC, Department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining knowledge of the current status of personnel and resources in the field, their locations, and the nature of calls for service.
- (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits.
 - 3. Critical incidents.
 - 4. Unusual incidents.
 - 5. Assignment of emergency response.

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802.6 CALL INTAKE AND HANDLING

The Oxnard Police Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the ECC staff member who is handling the call's intake will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency. This ECC staff member will quickly ascertain the call type, location, and priority.

If the ECC staff member determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a Limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the ECC, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual, and the interpreter.

Dispatchers shall exhibit courtesy, patience, and respect at all times when dealing with the public. .

802.6.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the ECC staff member has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be promptly notified of pending emergency calls for service when Department members are unavailable for dispatch.

802.6.2 NON-EMERGENCY CALLS

A call is considered to be non-emergency when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

802.7 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with Department members in the field. All transmissions shall be professional and made in a calm,

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businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Department personnel acknowledging the ECC with their radio identification call signs and current location.
- (b) The ECC acknowledging and responding promptly to all radio transmissions.
- (c) Department personnel keeping the ECC advised of their status and location.
- (d) Department personnel and ECC acknowledgements, along with communication traffic, shall be concise and without unnecessary content, unless additional information is needed.

The Public Safety Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

802.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Oxnard Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

802.7.2 RADIO IDENTIFICATION

Radio call signs are assigned to Department personnel based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify Department personnel by their call sign. Department personnel shall use their call signs when initiating communication with the ECC. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Department personnel initiating communication with outside law enforcement or support agencies shall use their entire radio call sign, which includes the Oxnard Police Department's station name or number.

802.8 DOCUMENTATION

It shall be the responsibility of the ECC to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document, and relay as much information as possible to enhance the safety of field personnel and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident case number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.

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- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

802.9 CONFIDENTIALITY

Information that becomes available through the ECC may be confidential or sensitive in nature. All members of the ECC shall treat information that becomes known to them as confidential, and only release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files, or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

802.10 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

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 professional staff 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.

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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.
 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.
 - (d)

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- (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:
 - (a) 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.
 - (b) 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.

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- (f) Maintenance of department property and evidence.
 - (g) Duties as assigned by supervisor or Watch Commander.
- (c) 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.
- (d) The Violent Crimes Unit CSOs 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) 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.
- (e) 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:
 - (a) Field Services Bureau:

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- (a) Six (6) month assignments and in accordance with the Patrol shift selections.
- (b) Assignments will be chosen by the seniority of those CSOs assigned to the Patrol Division.
- (c) CSOs will be allowed to remain on the same shift assignment for a maximum of one year.
- (b) Administrative Services/Investigative Services Bureaus:
 - (a) 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 calls for service. The Communications Center, field supervisor or the Watch Commander will dispatch CSOs to calls for service.
- (b) CSOs assigned to specific districts will be primarily dispatched to police calls for service in their assigned districts. Dispatchers may use their discretion to send CSOs to calls for service in other districts when needed to reduce call volume or wait times.

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.
- (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

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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.

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 identifies 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:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

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) All property shall be placed in the appropriate packaging. The packaging should be completely sealed from corner to corner (Overlapping) with clear packaging tape or by using the heat sealer. The booking employee's initials and the date it was sealed shall be placed on the edge of the tape/seal. Print a bar code label and attach it to each package or envelope in which the property is stored.

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- (c) If a property receipt is issued, the original shall be submitted to the Records Unit. A copy shall be provided to the owner for the release of property.
- (d) When the property is too large to be placed in a locker, on-call Property room personnel shall be called to take possession of the property to maintain 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 and Safety Code § 11364 shall also be booked separately. Narcotics and paraphernalia shall be appropriately packaged and sealed upon booking.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

No fireworks or explosives will be retained in the police facility.

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 a 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 storage shed until a property officer can log the property.
- (d) All cash over \$1,000 shall be counted in the presence of a supervisor and the envelope initialed by the officer and the supervisor.
- (e) Latent fingerprints cards and elimination prints are to be barcoded 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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804.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.
 - (a) Prior to the release of any firearm, it will be submitted to the Ventura County Crime Lab for test firing purposes.

The Property Officer shall update the Automated Firearms System for purposes of notifying the California Department of Justice (DOJ) (See the Records Division Policy).

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804.5 RECORDING OF PROPERTY

The property officer receiving custody of evidence or property shall record using their r login, the date and time the property was received and where the property will be stored in the electronic barcode system.

A Booking Officer shall assign a property number for each item in the barcode system as the officer is entering each item.

Any changes in the location of property held by the Oxnard Police Department shall be noted in the barcode 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 electronic barcode system.. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the barcode system shall be completed to maintain the chain of evidence. No evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for all items shall be completed electronically in the appropriate system. 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 barcode system.

The property technician releasing the evidence must update the barcode system. The lab form will be transported with the property to the examining laboratory. The original copy of the lab form will remain with the evidence and the copy will be returned to the Property 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 barcode system, stating the date, time and to whom released.

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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 barcode 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.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute and property held for safekeeping shall be held for a minimum of 90 days.. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded in the electronic barcode system. All property items not released will remain in the barcode system until properly released or upon the date of destruction.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property Room Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available

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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).

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 AND 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 and Safety Code § 11364.

804.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

804.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

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804.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Oxnard Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

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:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)

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- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

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 the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Room Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigative Services Bureau supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Room Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigative Services Bureau supervisor.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigative Services Bureau supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

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 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 as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) 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 barcode 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).

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An officer must have the Records or Dispatch 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 upon the officer to determine if one of those "hits" matches the firearm.

If the firearm is stolen, it is incumbent upon the officer to contact the originating agency to notify them that the stolen gun has been recovered. Once that is completed, he/she shall submit an APS card to 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.

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 Investigation 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

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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.

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 Special Projects Commander.
- (b) The Animal Safety Unit is under the supervision of the Special Projects Sergeant.
- (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 Special Projects Sergeant.
 - 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.

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Priority 1 situations are:

- (a) Vicious dog or animal threatening at the time.
- (b) Bite cases referred to Ventura County Animal Services.
- (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 Services or California Fish and Wildlife should be notified in cases dealing with marine life.
- (f) The pick up of dead animals.

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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 Senior Animal Safety Officer 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:
 - 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.

Standby hours will be defined as "peak hours" and "off-peak hours". Controlled standby pay will be available during peak hours and uncontrolled standby pay will be available for off-peak hours to the assigned Animal Safety Officer or Senior Animal Safety Officer. Only appropriately trained personnel may be allowed to cover standby hours.

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 Division

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Oxnard Police Department Records Division. The policy addresses Department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Oxnard Police Department to maintain Department records securely, professionally and efficiently.

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 Investigations Bureau Commander 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.

806.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Field Services Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

806.5 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

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.

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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.

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.

Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY

The Oxnard Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of Department public records.
- (b) Maintaining and updating the Department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the Department bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of Department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the Department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all Department current standards, policies, practices, operating procedures, and education and training materials are posted on the Department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this Department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain Department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. If the record requested is available on the Department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the Department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident

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- report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
 - (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
 - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.
 - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
 - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
 - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
 - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
 - (l) Any record created exclusively in anticipation of potential litigation involving this Department (Government Code § 7927.200).
 - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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- (n) Records relating to the security of the Department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

810.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.7 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

810.7.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are

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sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

810.8 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number
 - 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 - 3. Medical information
 - 4. Health insurance information
 - 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that permits access to an online account

810.8.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - 1. The date of the notice.
 - 2. Name and contact information for the Oxnard Police Department.
 - 3. A list of the types of personal information that were or are reasonably believed to have been acquired.

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4. The estimated date or date range within which the security breach occurred.
 5. Whether the notification was delayed as a result of a law enforcement investigation.
 6. A general description of the security breach.
 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Oxnard Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 2. When the breach involves an email address that was furnished by the Oxnard Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

810.8.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
1. Written notice.
 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

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- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

810.9 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

810.9.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

810.9.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the

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disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

810.9.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

810.9.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

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812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Oxnard Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

812.2 POLICY

Members of the Oxnard Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Oxnard Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

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Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

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 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

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Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

812.5.1 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other Department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or Department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

812.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies

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authorized access and use of protected information, as well as its proper handling and dissemination.

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.

No employee shall be authorized to access CORI until the employee has completed the appropriate certification.

812.7.2 DESTRUCTION OF CORI

When no longer usable, solid state drives, hard drives, diskettes, tape cartridges, CDs, hard copies, printouts, and other similar items used to process, store and/or transmit NCIC/CJIS and classified and sensitive data shall be properly disposed of in accordance with measures established below:

(a) Physical media (printouts) shall be disposed of by one of the following methods:

1. Shredding using Oxnard Police Department issued cross-cut shredder.
2. Placed in locked shred bins for on-site shredding.

(b) Electronic media (solid state drives, hard drives, tape cartridges, CDs, flash drives, printer and copier hard drives, etc.) shall be disposed of by one of the following methods:

1. Overwriting (at least 3 times) - An effective method of clearing data from magnetic media. Overwriting uses a program to write (1s, 0's, or a combination of both) onto the location of the media the file to be sanitized is located.
2. Degaussing - A method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnetic media and electric degausses.
3. Destruction - A method of destroying magnetic media. Destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring the platters or tape have been physically destroyed so that no data can be pulled.

Department members shall provide electronic media to IT members in order to comply with disposal procedures.

IT systems that have been used to process, store or transmit NCIC/CJIS and/or sensitive and classified information shall not be released from Oxnard Police Department control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

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

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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).

812.10 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. [REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]
- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]
- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

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- [REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

814.2.1 BUSINESS OR NETWORKED COMPUTERS

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, [REDACTED]

- [REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

814.3 [REDACTED]

[REDACTED]
[REDACTED]

- [REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

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- [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]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
- [REDACTED]
[REDACTED]

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:

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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- [REDACTED]
- [REDACTED]

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.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Oxnard Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held unless all adult individuals are placed into locked holding cells out of eyesight and earshot of the juvenile.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this Department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Oxnard Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Oxnard Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours without approval from the on-duty Watch Commander.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Oxnard Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.

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- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized Department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

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At least one female Department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the City jail or the appropriate mental health facility.

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The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

900.4.1 JAIL ALARM

When an alarm is sounding in the Oxnard Police Department's holding facility, available on-duty police officers in the station will respond without delay. During these situations, armed officers are permitted to enter the booking facility to provide required assistance. Once the emergency has subsided, armed officers will leave the booking facility.

900.4.2 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.
 - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.3 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Field Services Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to Department members.

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There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - (c) Forward any communication from the individual to the individual's consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to the individual's consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Oxnard Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.

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- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Oxnard Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to Department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an

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individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Oxnard Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

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- (c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms, other weapons and control devices, with the exception of the electronic control device (ECD), shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).

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- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Oxnard Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy unless the individual requests a different disposition. For example, an individual may request property (i.e. cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

All money belonging to the individual and retained by the officer shall be counted in front of the individual. All cash over \$1,000 shall be counted in the presence of a supervisor and the envelope initialed by the officer and the supervisor. When possible, the individual should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope

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and sealed. Negotiable check 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 member 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.

No knives of any size, multi-tools or items with a sharp or pointed end will be placed into an individual's property for transportation to the Ventura County Pre-Trial Detention Facility. All knives, multi-tools, and items with a sharp or pointed end are to be booked into Oxnard Police Department Property as safekeeping.

Property belonging to the individual, but retained by the officer as evidence or safekeeping, shall be booked according to procedures. The individual shall be advised that such property will be kept as evidence and, where demanded, the officer will issue the individual 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.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual's shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. If the individual 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. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

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- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to Department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by Department members shall occur no less than every 15 minutes (15 CCR 1027.5).
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to the individual's well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Field Services Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Oxnard Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Commander, Chief of Police and Investigative Services Division Commander
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Medical Examiner
- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.

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- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Oxnard Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
 - 1. The Department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.11 ASSIGNED ADMINISTRATOR

The Field Services Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans (e.g., natural disasters)
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment

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- (l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Separation of incarcerated persons
- (d) Emergency procedures and planning, fire safety, and life safety
- (e) Suicide prevention
- (f) De-escalation
- (g) Juvenile procedures
- (h) Racial bias
- (i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Personnel and Training Sergeant shall maintain records of all such training in the member's training file.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Oxnard Police Department facility. Such items can pose a serious risk to the safety and security of Department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any Department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Oxnard Police Department facilities. Except in exigent circumstances, the search should be conducted by

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a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.5 STRIP SEARCHES

No individual in temporary custody at any Oxnard Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on Department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Oxnard Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

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- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Watch Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.
 - 8. The place at which the search was conducted.
 - 9. A list of the items, if any, that were recovered.
 - 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

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- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary Department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any Department members present.
 - 8. Any contraband or weapons discovered by the search.

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- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.7 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.

902.8 TRAINING

The Personnel and Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.9 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.

902.10 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

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- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

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.

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- (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.

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 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.

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903.7 RESTRAINED ARRESTEES

If an arrestee is transported to the Ventura County Jail in a BodyGuard Restraining System, a medical clearance is required. 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 authorization 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 will leave a copy of the Notice to Appear with the arrestee's belongings at the hospital.

If the Watch Commander authorizes a person to be released on citation after being booked into VCJIS and while seeking medical care or medical clearance, the citing officer or Sergeant shall:

- (a) Inform the appropriate medical personnel supervisor
- (b) Notify the on-duty Police Service Officer. In the absence of an on-duty PSO, the officer shall notify the appropriate personnel at the Ventura County Main Jail.

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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904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the Oxnard Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

904.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Oxnard Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Oxnard Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

904.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee Department efforts to comply with PREA standards in the Oxnard Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and Department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
- (h) Publishing on the Department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
 - 2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
 - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 - 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

904.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the Department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against individuals in custody or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any Department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the Department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and Department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received Department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this Department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.2 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.3 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or the City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for Department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

904.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

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904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the Department website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Oxnard Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the Department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING

All Department members and contractors who may have contact with individuals in custody shall receive Department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Personnel and Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Personnel and Training Sergeant shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current Department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Oxnard Police Department and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Oxnard Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Services Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Oxnard Police Department (11 CCR 1953).

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The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administrative Services Division Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Administrative Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administrative Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward

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to the Administrative Services Division Commander for final review and submission to POST (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Oxnard Police Department or is transferred to a different department within the City as provided in 11 CCR 1953(f).

1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California

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Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Be legally authorized to work in the United States under federal law
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

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1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The 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 professional staff 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

All Department personnel, including sworn employees and professional staff members, are evaluated every 12 months from January through December.

If an employee is transferred from one assignment to another during a rating period, the supervisor who oversees the employee for 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.

1001.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under Policy Manual § 350.

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Evaluation of Employees

1001.4 PROBATIONARY EMPLOYEES

Generally, professional staff employees are on probation for twelve (12) months from his/her hire date before being eligible for certification as permanent employees. Civilian employees are continuously assessed in all performance areas by his/her supervisor until the successful completion of the probationary period.

Sworn personnel are on probation for twelve (12) months from their date of appointment to Police Officer I before being eligible for certification as permanent employees. The Chief of Police may extend the probationary period for an additional six (6) months for a total of eighteen (18) months.

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.

Any leave of absence exceeding five (5) working days shall extend the probationary period equal to the corresponding amount of leave.

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 Professional Standards Division for the tenure of the employee's employment. A copy will be given to the employee. For nonsworn employees, a copy will be forwarded to the City Human Resources Department.

1001.9 SECTION TITLE

Lateral Assignments

1003.1 PURPOSE AND SCOPE

To establish a procedure for the lateral assignment of Police Officer II's, Police Officer III's, Sergeants, and civilian staff that will broaden their experience and enhance the performance of the Oxnard Police Department.

1003.1.1 APPLICATION TO BUREAU/ASSIGNMENT

Personnel applying for lateral assignment with the Field Services Bureau apply directly to the particular lateral assignment. Their assignment length is calculated by the amount of time in this position.

Personnel applying for lateral assignments within the Investigative Services Bureau and Administrative Services Bureau are applying primarily to a bureau, and secondly to a specific position. An officer's lateral assignment term is calculated by the amount of time within the bureau rather than a particular lateral position.

1003.1.2 INTRA-BUREAU TRANSFERS

The Investigative Services Bureau Chief may transfer personnel in their respective bureaus to another lateral 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 terms are calculated based upon the individual's entry date into the bureau, unless the term was renewed due to an open selection process.

1003.2 SELECTION PROCESS FOR LATERAL ASSIGNMENTS

- (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) calendar 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 at the application deadline.
- (c) Interested applicants 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 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. The candidate may appeal a supervisory denial to the Bureau Chief.

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- (e) The candidates may be interviewed by the Division Commander or an oral panel. The same questions will be asked of 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.
- (f) The Division 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).
- (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 (6) month eligibility list of the remaining candidates will be established for SEU/SWAT Police Officer II positions only. This list will be maintained by the Special Operations Division Commander, and will be used in the event that additional openings occur for the same position. The candidates remaining on the list will be considered for any future openings within that assignment for the six (6) 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.
- (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. At the end of one (1) year following the appointment, a new process for the position shall be held. In the case that none of the applicants are deemed acceptable, they shall be provided with a written explanation for their disqualification.

1003.3 LENGTH OF ASSIGNMENTS

All lateral assignment terms will be 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. If a supervisor feels that the employee's performance merits an extension in the lateral assignment, he/she shall draft a memorandum articulating why an extension should be granted. At minimum, the extended employee's performance rating must be rated as "Meets Standards." The extension shall be subject to approval by the Division Commander and 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.

Sergeants within the Professional Standards Division will be assigned by the Chief of Police and will serve at his/her pleasure. Therefore, these positions will not be subject to the selection procedures and lengths of assignment set forth in this policy.

There shall be no limits to the number of terms personnel may serve in a particular lateral assignment.

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1003.4 EXCLUSIONS

Temporary (i.e., 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 up to eighteen (18) additional months.

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.

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

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Seniority

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.

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.

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- (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).

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.

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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.

1004.6 POLICE OFFICER III SCHEDULING

- (a) Police Officer III's assigned to patrol shifts will select their shifts by seniority within their rank, and will work on day or evening shifts. Their shift selection will coincide with Patrol's shift schedules.
- (b) Police Officer III's who are primarily assigned to the district team may be placed on a flex schedule to allow them to address the needs of their assignment.

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.

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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:

- (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."

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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)
- (a) This section is a summary of the positive behavior that is expected of the employee to meet the standards of an acceptable employee.
 - (b) 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)
- (a) 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.
 - (b) The supervisor may direct the employee to obtain training and/or counseling when appropriate.
- (e) DURATION OF PERFORMANCE IMPROVEMENT PLAN (SECTION HEADER)
- (a) 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.

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- (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 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.

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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 he/she was 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 in the officer's Training File. 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.

Early Intervention System

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to maintain an Early Intervention System (EIS). The EIS is a data-driven system designed to identify employees with potential behavior and/or performance issues. EIS is also designed as a proactive system to work positively with employees and assist them in taking corrective actions. Its focus will be on counseling and training.

The EIS will be maintained by the Professional Standards Division Commander. The EIS is separate from the Department's formal discipline system. It shall not be used to gather information for a formal investigation of an employee. No employee shall be disciplined due to placement in the EIS. EIS status shall not be mentioned in a performance evaluation or be a factor considered in a promotional or special assignment selection process.

1006.2 EIS INCIDENTS

EIS threshold incidents to be considered shall include the following:

- (a) Use of force incidents.
- (b) Citizen complaints (sustained and not sustained).
- (c) Administrative investigations (sustained and not sustained).
- (d) Preventable traffic collisions.
- (e) Vehicle pursuits (out of policy).
- (f) Critical incidents.
- (g) Court FTA's.
- (h) Range FTA's.
- (i) Excessive sick leave.*
- (j) Arrests for 148 PC or 69PC with no additional charges.*

*An employee's supervisor or commander/manager shall be responsible for reporting these issues to the Professional Standards Division Commander for EIS consideration.

1006.3 GENERAL GUIDELINES

Employees who are involved in more than five (5) threshold incidents within the preceding twelve (12) months will be identified in the Early Intervention System. The Professional Standards Division Commander will review the incidents and determine if further action is needed. If no action is taken, the review will not be documented, nor will the employee be notified. Further action may include the following:

- (a) The Professional Standards Division Commander will discuss the incidents with the employee's commander/manager.
- (b) The commander/manager and the employee's supervisor will conduct a thorough analysis of each incident to determine common factors that may be the cause of the

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underlying issue. A detailed memorandum of the findings will be completed by the supervisor and returned to the commander/manager for review.

- (c) The employee's commander/manager will meet with the employee's bureau chief and the Professional Standards Division Commander to determine if further action will be taken.
- (d) If further action is taken, the employee will meet with his/her commander/manager and supervisor to discuss the findings and to determine if there are additional issues or mitigating factors to be considered.
- (e) An appropriate action plan will be developed by the commander/manager, supervisor, and the employee. The action plan shall consist of a recommendation for counseling or appropriate training. The proposed action plan will be reported back to the employee's bureau chief and the Professional Standards Division Commander.
- (f) The employee's commander/manager and the supervisor will meet with the employee to discuss and implement the action plan.
- (g) After the goals of the action plan have been accomplished, a detailed memorandum by the supervisor shall be completed to document the actions taken and any further recommendations.
- (h) An employee may request to have a peer representative accompany him/her during the meeting phases of the EIS process.

1006.4 RESPONSIBILITIES

- (a) Bureau Chief – Shall be responsible for the review of the initial EIS memorandum and recommendation, and ensure actionable items are implemented and properly documented.
- (b) Professional Standards Division Commander – Shall be responsible for reviewing threshold incidents on a monthly basis, communicating findings with the appropriate commander/manager, and ensuring proper documentation and record keeping during the EIS process.
- (c) Employee's Commander/Manager – Shall be responsible for ensuring the supervisor conducts a thorough analysis of threshold incidents, that the information is properly documented, and that actionable items are completed.
- (d) Employee's Supervisor – Shall be responsible for conducting and documenting a thorough analysis of the threshold incidents, working closely with the employee and his/her commander/manager to identify an appropriate action plan, and documenting the outcome of the corrective action taken.

1006.5 DOCUMENTATION

The Professional Standards Division Commander shall be the custodian of records for all EIS reports and documentation. All documents shall be maintained for five (5) years, at which time they will be purged, and shall not be released to outside persons without specific approval from the Chief of Police, the City Attorney, or by a valid court order. EIS files are "Peace Officer Personnel Records" as defined in Penal Code § 832.7. Any release must comply with California Evidence

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Code § 1043 and all other applicable laws. Employees included in the EIS will have the ability to review and copy documents pertaining to them. Employees shall have the right to review and/or rebut any EIS record in accordance with California Government Code § 3305, § 3306 and § 3306.5.

At a minimum, the file shall contain a “Threshold Incidents” memorandum completed by the employee’s supervisor. If counseling or training is recommended, an “Action Plan” and “After Action” memorandum shall also be completed by the employee’s supervisor.

Collateral Assignments

1007.1 PURPOSE AND SCOPE

To establish a procedure for the collateral assignment of Police Officers II's, Police Officer III's, Sergeants, and civilian staff that will broaden their experience and enhance the performance of the Oxnard Police Department.

1007.2 SELECTION PROCESS FOR COLLATERAL ASSIGNMENTS

- (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) calendar days, and shall also be sent to personnel on the Department's email system.
- (b) Interested applicants shall submit a memo expressing interest and may be asked to provide a resume.
- (c) All collateral 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. The candidate may appeal a supervisory denial to the Bureau Chief.
- (d) The candidates may be interviewed by the Division Commander or an oral panel. The same questions will be asked of 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.
- (e) The Division 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).
- (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 newly opened position will require a new selection process.
- (h) 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. At the end of one (1) year following the appointment, a new process for the position shall be held. In the case that none of the applicants are deemed acceptable, they shall be provided with a written explanation for their disqualification.

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Collateral Assignments

1007.3 LENGTH OF ASSIGNMENT

All collateral assignment terms will be 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. There shall be no limit to the number of terms personnel may serve in a particular collateral assignment.

1007.4 COLLATERAL ASSIGNMENTS

- (a) Force Options Unit
- (b) Firearms Training (Range)
- (c) Driver Instructor
- (d) Honor Guard
- (e) Crisis Negotiations Team (CNT)
- (f) Reserve Officer Coordinator
- (g) Explorer Advisor
- (h) Peer Support Team (PST)
- (i) Academy Instructor
- (j) Tactical Dispatcher
- (k) Volunteers in Policing Service (VIPS) Coordinator
- (l) First Aid/CPR Team
- (m) Criminal Intelligence Group (CIG)
- (n) Special Weapons and Tactics (SWAT)
- (o) Tactical Emergency Medical Services (TEMS)
- (p) Mobil Command Post (MCP) Operator
- (q) Chaplain Coordinator
- (r) Unmanned Aerial Systems Unit
- (s) Recruitment Team
- (t) VC Alert Team
- (u) Mounted Enforcement Unit

The provisions governing assignments to the Field Training Officer (FTO) Program are outlined in Policy Manual Section 351.

Commanders assigned to collateral assignments will be selected and appointed by the overseeing Bureau Chief, and will serve as long as the Bureau Chief sees fit or until a change of assignment brings change to the program.

1007.5 DUTIES AND RESPONSIBILITIES

Selection to a collateral assignment brings varied levels of responsibility based on the assignment. Duties may include, but are not limited to:

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- (a) Fulfilling the responsibilities and expectations related to the collateral assignment.
- (b) Attending meetings related to the collateral assignment.
- (c) Appropriate and timely documentation of matters related to the assignment.
- (d) Representing the Department at various community and law enforcement functions.
- (e) Maintaining the appropriate level of training and/or certification in specialized skills (diving, firearms, horseback riding, etc.).
- (f) Providing varied levels of training to employees.

In addition to the responsibilities outlined above, Sergeants/supervisors assigned to collateral assignments will also be responsible for the following:

- Appropriate and timely documentation of employee performance.
- Appropriate and timely documentation related to unit performance.
- Safe and efficient operations of the collateral assignment unit.

Failure to fulfill the responsibilities within collateral assignments, and/or unsatisfactory performance in one's primary assignment, and/or disciplinary action may result in removal from a collateral assignment. Employees shall be aware that in the event of removal from a collateral assignment there shall not be a formal appeal process.

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.

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Audits

- (c) Objectively assess the quality of performance with regard to assigned responsibilities.
- (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.

1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All members of this Department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

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Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1010.5.1 NOTIFICATION REQUIREMENTS

The Administrative Services Division Commander shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this Department or any former peace officer if this Department was responsible for the investigation (11 CCR 1003).

The Administrative Services Division Commander shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this Department (11 CCR 1003).

Peer Support Team

1011.1 PURPOSE AND SCOPE

The Oxnard Police Department recognizes the value of providing an in-house resource for employees and their family members to support them in managing both personal and professional crises. The purpose of this policy is to establish guidelines related to a Peer Support Team (PST) for Department employees and their families.

The PST provides assistance, support, and resources to employees and direct family members during difficult times in their personal and professional lives. This program is designed to:

- (a) Provide emotional support during and after times of personal or professional crises to other employees who need assistance;
- (b) Provide assistance to members to minimize and lessen the effects of Post Traumatic Stress after incidents listed below in section 1011.5 (a-h);
- (c) Provide ongoing follow-up support;
- (d) Promote trust, allow anonymity, and preserve confidentiality for persons using peer support within the guidelines of the program;
- (e) Develop team members who can identify personal conflicts and provide guidance and/or referrals to an appropriate professional or to alternate resources as assessed or required; and
- (f) Maintain an effective PST through ongoing training and regular scheduled team meetings.

1011.2 ACCESSING PEER SUPPORT

The PST is available 24 hours a day, 7 days a week to all employees. PST contact information can be found on the Department's Intranet page via the home page and Peer Support Team tab.

1011.3 CONFIDENTIALITY

The acceptance and success of the PST will be determined greatly by the preservation of confidentiality. It is imperative each PST member maintain strict confidentiality of all information learned about an individual within the guidelines of this program.

All PST members will be required to read, understand, and abide by the terms of the confidentiality agreement. Conversations between PST members and employees are not privileged communications under the Evidence Code, and may be discovered in litigation. However the Department will respect the confidentiality of the conversations and PST members will not be compelled by order to divulge or discuss any dialogue between a team member and the affected employee, with the following exceptions:

- (a) Information concerning child abuse, elder abuse, and/or the commission of a crime.
- (b) The employee or a third party is a danger to themselves or others.
- (c) Disclosure has been compelled by a court of competent jurisdiction.

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- (d) Information that an employee has been subjected to harassment, discrimination, retaliation and/or abusive conduct, if a supervisor or manager has received such information.

If a reportable incident arises, the PST member shall contact the Professional Standards Commander with any information they receive that indicates that the employee or a third party is a danger to themselves or others, as well as any information they receive concerning the commission of a crime.

As required by the City's Policy Against Discrimination, Harassment, and Retaliation and Department Policy 328, any PST member who is a supervisor or manager and who receives information that an employee has been subjected to harassment, discrimination, and/or retaliation will disclose that information to the Professional Standards Commander.

1011.4 TEAM COMPOSITION

The PST is a function of the Professional Standards Division Commander. The leadership structure of the PST shall be as follows:

- (a) Program Coordinator(s) - the program coordinator(s) may be sworn and/or civilian personnel. The coordinator(s) shall be responsible for the following:
 - 1. Supervision and administrative duties.
 - 2. Coordinating call-outs or utilization.
 - 3. Coordinating training for the team members.
 - 4. Coordinating team meetings.
- (b) Team Members - The PST will be comprised of sworn and civilian personnel. These officers and civilians should have experience in police-related traumatic incidents and have specialized and ongoing training in assisting fellow employees and their families in dealing with professional and personal crises.

1011.5 ACTIVATIONS

The PST is intended to be a resource available to the Department in the event of a critical incident or for personal crisis situations. PST outreach can occur for the following reasons:

- (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) Any incident that is likely to affect the employee's ability to interact with the public or is a potential officer safety risk.

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- (i) Referral from a fellow employee.
- (j) Self referral.

1011.5.1 ACTIVATION PROCEDURES

- (a) For on-duty incidents, the watch commander or a supervisor will call the PST Coordinator as soon as possible to assess the situation.
 - 1. If critical incident debriefing services are needed or recommended for an on-duty incident, the PST Coordinator shall consult with the Department Psychologist to obtain approval for a debriefing of the involved personnel. Upon approval, the PST members will coordinate the debriefings with the involved personnel.
 - 2. All involved personnel are highly encouraged to attend a one-one or group debriefing provided by the PST members. Participation is considered strictly voluntary.
- (b) For personal crisis, the individual requesting/reporting may contact any PST member.
 - 1. The PST member shall provide any assistance available.

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this Department to provide a drug- and alcohol-free workplace for all members.

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.

1012.2.3 USE OF MARIJUANA

Employees are reminded that marijuana is a schedule 1 controlled substance under the Federal Controlled Substances Act and use, sale, or possession of marijuana remains a federal crime (21 U.S.C. Sec. 812(b)(1)).

The policy of this department has been that it does not tolerate the violation of any state or federal law by employees. Department members are reminded that it is the policy of this department that employees shall not, on or off duty, ingest or otherwise consume marijuana or marijuana derived products. This prohibition applies to use of any form of marijuana, including but not limited to smoking, injecting or eating, by itself or in combination with other products.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on Department time can endanger the health and safety of Department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as

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soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on Department premises or on Department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

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:

- (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,

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that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

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 cartridges will be replaced as recommended by the manufacturer once they have exceeded their recommended shelf life.

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.
- (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.)

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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.

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- (c) Respirators are used properly depending on the workplace conditions encountered.
- (d) Respirators are being maintained and stored properly.

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

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1014.2 POLICY

It is the policy of the Oxnard Police Department to provide eligible employees with a sick leave benefit.

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.
- (d) Employees calling in sick should do so as soon as it is determined they are unable to respond to the work site.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1014.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every

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effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1014.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1014.5 REQUIRED NOTICES

The Human Resources Director shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1014.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected Department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

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- (e) Referring eligible members to an available employee assistance program when appropriate.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Oxnard Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Oxnard Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that Department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):
 - (a) Sharps injury log.

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- (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
- 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
- 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
- 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other Department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).
- (g) Coordination with the Human Resources Department to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1016.5 POST EXPOSURE

1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident

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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Industrial Injuries Policy).

1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1016.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Oxnard Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Oxnard Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by department members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1018.2.1 M.O.U. REQUIREMENTS

All department members represented by the Oxnard Peace Officers' Association(OPOA) shall refrain from using tobacco products while on duty. 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 the current OPOA MOU).

Pursuant to the current MOU between the City of Oxnard and the OPOA, 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.

Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Oxnard Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

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 to Professional Standards. Supervisors shall report serious allegations to the Watch Commander or his/her manager, and Professional Standards.

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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.

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- (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.
- (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. Discipline shall be considered "punitive action" as defined in Government Code § 3303.

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).

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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.

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."

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Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the 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.

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 review the manager's Investigation Summary, and may make additional recommendations regarding the disposition of all allegations and the amount of discipline, if any, to be imposed. Once the Investigation summary has been approved by the bureau chief, it shall be forwarded to the Chief.

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).

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- (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 five (5) 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.

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.

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- (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.

1020.4.1 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

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.

During any post-Skelly administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of penalty (Government Code § 3305.5).

1020.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

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.

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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.

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).

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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 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.
- (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.

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- (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.

1020.13 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 - 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 - 2. Findings of civilian review boards.
 - 3. Final dispositions of any investigations.
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Oxnard Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

1020.13.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- (a) Name of the Department
- (b) Administrative case number
- (c) Name, current address, and phone number of the complainant, if available
- (d) Name, POST ID, current address, and phone number of the involved officer
- (e) A summary of the alleged misconduct including:
 - 1. A narrative of the allegations
 - 2. Date and time of incidents
 - 3. Location of occurrence

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4. Any witness information, if available
5. Summary of arrest or indictment of involved officer
- (f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- (g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1020.13.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- (a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 1. The Department shall provide the name of the body conducting the proceeding.
 2. The status of the proceeding, if known.
- (b) If criminal charges are pending:
 1. The name of the court having jurisdiction over the criminal charges against the officer.
 2. The status of the criminal case, if known.

Seat Belts

1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in Department vehicles (Vehicle Code § 27315.5).

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this Department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any Department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1022.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.5 POLICY

It is the policy of the Oxnard Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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1022.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1022.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

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.

Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1026.3 DEPARTMENT FILE

The Department file shall be maintained as a record of a person's employment/appointment with this Department. The Department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the Department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.4 BUREAU FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Field Services Bureau personnel shall have this file kept in the Watch Commander's office. Investigative Services Personnel (ISB) shall have this file kept in the ISB Commander's office. Administrative Services Bureau personnel shall have this file kept in the Professional Standards Commander's office.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Personnel and Training Unit for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation.

- (a) The involved member is responsible for providing 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 member's training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Commander.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1026.7 MEDICAL FILE

A medical file shall be maintained by Human Resources and separately from all other personnel records. The file shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records are confidential and shall not be disclosed except as allowed by law. 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 (Government Code § 832.7; Evidence Code § 1043).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this Department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1026.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this Department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1026.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

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.

1026.10 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.

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- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1026.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) The Professional Standards Commander shall 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 the Professional Standards Commander determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained from the Administrative Services Bureau Chief or designee.

1026.12 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and

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Department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.

- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 - 1. The discharge of a firearm at another person by an officer.
 - 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 - 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 - 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
 - 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 - 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
 - 3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
 - 4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

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When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1026.12.1 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1026.12.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

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2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
 - (c) Administrative investigations
 1. Disclosure may be delayed until:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or Department policy, but no longer than 180 days after the date of the Department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1026.12.3 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

Commendations and Awards

1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Oxnard Police Department and individuals from the community.

1030.2 POLICY

It is the policy of the Oxnard Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1030.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any Department member or by any person from the community.

1030.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation
- Conspicuous bravery or outstanding performance
- Any action or performance that is above and beyond typical duties
- Any action or performance that furthers the mission, goals, or values of the Department

1030.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Department- name, bureau and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1030.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:

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1. For members of the Department- name, bureau and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1030.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be completed on a Supervisor's Performance Report or a Letter of Commendation. It may be forwarded up the chain of command for review. The member's supervisor will present the commendation to the Department member for his/her signature and entry into the their personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be done so with a Certificate of Recognition and forwarded to the Administrative Services Division Commander. The documentation will be signed by the Chief of Police. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

Documentation regarding the meritorious or commendable act of a member of the Department that qualifies for a Medal of Valor, Medal of Merit, or Purple Heart shall be forwarded to the Employee Recognition Committee. The Employee Recognition Committee shall review the nomination and make a recommendation to the Chief of Police. The Chief of Police shall determine if the award will be presented to the member.

1030.5 AWARDS/MEDALS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Medal of Merit
- Medal of Valor
- Purple Heart
- Citizen Recognition Award

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

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 their job functions (Government Code § 1031).

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

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.

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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.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another 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.

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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 members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

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.

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- (d) Swimming.
- (e) Pull-ups.
- (f) Rowing/skiing machines.
- (g) Abdominal crunches.
- (h) Cardio machines not previously specified.*
- (i) Aerobics.*
- (j) Weightlifting.*

Sworn personnel will be required to participate in the Wellness Program before utilizing any department workout facility. Professional Staff 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.

*In order to have these exercises 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 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 work-out, along with the qualifications of the trainer, must be submitted in advance.

Any member participating in the wellness program, either for working out in department facilities or off-duty, shall meet with the department-authorized Certified Physical Trainer once every two years, after their initial consultation, to update their plan.

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 (Labor Code § 1034).

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; 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; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the 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; 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.

1035.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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 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. Once the Leave Request form is approved by a supervisor, the employee agreeing to work for the other will be responsible for ensuring that the 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 Compensation 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 described in this policy.

1038.1.1 OVERTIME COMPENSATION

Two types of compensation are available for overtime work:

1. Compensatory time off at the currently approved overtime rate.
2. Hourly pay at the currently approved overtime rate

1038.1.2 DEPARTMENT POLICY

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 the 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 flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the number of hours of compensatory time indicated in their MOU.

1038.2 OVERTIME RESTRICTIONS

Employees shall not work more than 70 hours of overtime in a pay period without the approval of their Shift Commander or Division Manager. Overtime hours are defined as any combination of overtime assignments (including court, mandatory training, specialty details, etc.) that total up to 70 hours of submittable overtime compensation under the two approved methods listed in 1038.1.1.

Employees are responsible for tracking their overtime hours and if they have reached the 70 hours per pay period limit. Once the limit is reached, the employee is responsible for seeking Shift Commander or Division Manager approval.

Shift Commanders or Division Managers may approve overtime to exceed the 70 hours when there is an imminent need. Examples include an active, time-sensitive investigation of a serious crime (e.g. homicide, violent assault, sexual assault/child crime, etc.), a public safety concern, or if staffing levels are such that no other employee is available to cover a required patrol shift.

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The maximum number of work hours and voluntary overtime hours an employee may work without an eight (8) hour off-duty period is sixteen (16), in a 24-hour period.

No employee shall receive pay for time off from their regular assignment while being paid overtime for the same time period. This provision shall not apply to situations in which an employee is called back to work during or after the employee's normal working hours.

No employee shall alter their regular shift hours to accommodate overtime assignments without the approval of the Division Manager.

If an employee has a scheduled overtime assignment they are unable to work, they will make every attempt to find a replacement within a timely manner. The employee shall notify the Watch Commander or Division Manager to be excused from the overtime assignment

1038.2.1 REQUESTS FOR OVERTIME COMPENSATION

Employees shall complete and submit all overtime compensation requests to the shift supervisor, Watch Commander, or Division Manager as soon as practical, but no later than their first scheduled day back to work after working the overtime. The only exception to this is if the employee is going to be off of work for an extended time or for pre-scheduled leave after working the overtime shift, in which case, the overtime compensation request shall be turned in immediately following the overtime shift.

Employees submitting overtime compensation requests for on-call pay when off-duty shall submit the forms to their supervisor, the Watch Commander, or the Division Manager the first day after returning to work. Failure to submit an overtime compensation request as described in this policy may result in discipline.

1038.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

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 employee 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
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

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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) 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.
- (b) 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.

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.

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- (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 shall remain within a one-hour response time from the police station or their designated work location.
- (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 standby status when he/she reports back to work after a leave status.
- (e) An employee will not receive standby compensation while they are also receiving overtime for a call-out, emergency response, or while working in another voluntary or mandated overtime assignment.

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 a City outside employment form, which shall be submitted to the Personnel and 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 City outside 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 City outside 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.

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Any private organization, entity, or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored, and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the departmental uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

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.

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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).

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 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 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 Personnel and Training Sergeant in writing within five days whether or not he/she intends to continue to engage outside employment. The Personnel and 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 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 City outside 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.

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- (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 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 guidance regarding the timely reporting of occupational diseases, psychiatric injuries and work-related injuries.

1042.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1042.2 POLICY

The Oxnard Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1042.3 RESPONSIBILITIES

1042.3.1 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 Unit 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 Unit.

1042.3.2 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 the Personnel and Training

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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 Unit. Copies of any reports documenting the accident or injury should be forwarded to the City's Human Resources Department.

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.

1042.4 INJURIES 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.

1042.5 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.

1042.6 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1042.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, while still valuing the diversity of our workforce, members shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their 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 members, except those whose current assignment would deem them not appropriate, and where the Chief of Police or designee has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male members, hair must not extend below the top edge of the uniform collar, while assuming a normal stance.

Female uniformed members whose hair falls below the horizontal level of the top of the uniform patch shall secure their hair up in a manner where it does not fall below the top of the uniform patch. A tightly wrapped braid or ponytail may be worn only if the hair does not fall below the top of the uniform patch.

For sworn members, no hairstyle shall interfere with the proper wearing of the uniform headgear, nor shall it interfere with their vision in any way.

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

For uniformed members, facial hair other than sideburns, mustaches, and eyebrows shall not be worn unless authorized by the Chief of Police or designee. Beards shall be permitted only for medical reasons or when authorized due to the nature of an assignment. Neatly trimmed beards and goatees are permissible for civilian members not wearing uniforms.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to sworn members. For this reason, sworn members' fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by uniformed members 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.

1044.3 TATTOOS

While on duty or representing the department in any official capacity, no member shall display any visible tattoos, body art, branding, or intentional scarring that is offensive, obscene, racial, sexual, discriminatory, gang-related, or inappropriate.

Visible tattoos on the hands, neck, and head are not permitted for members hired after March 5, 2020, and current members who add them after this date. Members hired after March 5, 2020, and those who add tattoos on these areas must tastefully cover them. An exception is one tattoo of a ring on the left ring finger.

1044.4 BODY PIERCING OR ALTERATION

Except for a female members wearing stud pierced earrings 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 are 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) Mutilation.
- (e) 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.

1044.5 APPEARANCE DEEMED INAPPROPRIATE

The Chief of Police or designee will make the determination as to what is deemed excessive, offensive, or inappropriate.

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) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) Department-issued body armor shall be worn in accordance with Policy Manual § 1024.
- (k) Any deviation from this policy must be approved by the Chief of Police.

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

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possession of their department issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their supervisor.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform, including:

- (a) Standard issued wool uniform pants.
- (b) Standard issued long sleeve wool uniform shirt.
 - 1. Badge and nameplate will be displayed on the outermost garment. The nameplate will be worn as described in section 1046.3.2 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.
- (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 corporals and below will have silver chinstraps and "P" buttons.

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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.
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.
- (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.
- (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. Honor guard members may also wear the appropriate braided cords and aiguillettes as directed by the Honor Guard Commander.

1046.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. The Class B uniform will consist of the same garments and equipment as the Class A uniform (with certain exceptions).

- (a) Standard issued wool or PDU uniform pants.
- (b) Standard issued wool or PDU long or short sleeve uniform shirt 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.
- (d) Black undershirt with crew (round neck) collar. T-shirts with worn, torn, discolored, or sagging necklines will be replaced as unserviceable.

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- (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 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) 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 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.

1046.3.3 CLASS B UNIFORM WITH LOAD BEARING VEST

Officers working uniformed duties may wear a department-issued load bearing vest carrier. The uniform is identical to the Class B uniform except for the following:

- (a) Load Bearing Vest Carrier (vest carrier) – Officers shall only wear a vest carrier that has been approved by the Chief of Police.
 - 1. The vest carrier shall be worn over the 5.11 PDU, wool long sleeve or short sleeve, or approved Blauer long sleeve or short sleeve shirts.
 - 2. While wearing the vest carrier, officers shall maintain their assigned ballistic vest inside the vest carrier at all times while on duty.
 - 3. The vest carrier shall be maintained in a serviceable condition.
 - 4. If the vest carrier is not service ready, the officer will return to the original Class B uniform until their vest carrier becomes service ready.
 - 5. Officers who have been issued a vest carrier shall be required to wear it while engaged in uniformed duties, unless they have prior approval from their supervisor.
- (b) The following shall apply to the Class B Uniform with the vest carrier:

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1. Officers shall not modify the approved layout of the vest carrier.
 2. The duty belt shall be all black with a black buckle and have a professional appearance. The Sam Browne belt may be worn as the duty belt.
 3. The duty belt shall not contain any items or equipment other than a drop down holster with duty weapon and key clip.
 4. Officers shall not add additional equipment, pockets, and/or clips to the vest carrier and duty belt without approval from the Chief of Police or designee.
 5. If an officer chooses to wear their jacket, the jacket shall be worn in a manner that allows for accessibility to their equipment.
- (c) Officers who choose to wear the vest carrier shall have it securely fastened and worn at all times, unless the following conditions exist:
1. The officer is in a secured location where the general public does not have access.
 2. The officer is not engaged in or responding to a call for service or any enforcement action.
- (d) Officers who have removed their vest carrier are responsible for the following:
1. Shall maintain constant supervision of their vest carrier, unless it is secured by lock (i.e. locker, vehicle trunk).
 2. Shall keep their vest carrier readily available, so as to respond immediately, if needed

1046.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units or assignments. Uniform specifications will also be maintained in the unit manual for each of the specialized units. Standardized uniforms will also be designated for non-sworn staff members by assignment.

1046.3.5 SOFT UNIFORM

- (a) Black polo shirt with the words "Oxnard Police" on the left chest and the first initial and last name on the right chest, embroidered in white writing. No other ornamentation is allowed.
- (b) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d)
- (c) Black PDU style uniform pant.
- (d) A black jacket with the words "Oxnard Police" on the left chest and the first initial and last name on the right chest, embroidered in white writing, without any rank designation or other insignia. This jacket may be worn by sworn personnel who do not engage in enforcement activities and designated non-sworn personnel.
- (e) Authorized, black athletic style jacket with the words "Oxnard Police" on the left chest and the first initial and last name on the right chest, without any rank designation or

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other insignia. This jacket may be worn by sworn personnel who do not engage in enforcement activities and designated non-sworn personnel.

- (f) In cases where the user is not wearing a tactical outer-cover showing a badge, the wearer shall display their police badge if displaying a weapon.

1046.3.6 NEIGHBORHOOD POLICING TEAM

- (a) Standard issue Class B uniform as described in 1046.3.2 for daily patrol duties.
- (b) NPT Officers may wear the soft uniform described in 1046.3.5 while attending meetings and community relations events.
- (c) NPT Officers will be issued a bicycle patrol uniform, as described in 1046.3.8.
- (d) During tactical entries and search warrants, NPT officers may wear:
 - 1. Class B Uniform, or;
 - 2. The issued Investigations Bureau search warrant attire as described in 1046.3.14.

1046.3.7 SCHOOL RESOURCE OFFICERS

- (a) Standard issue Class A uniform as described in 1046.3.1, or;
- (b) Standard issue Class B uniform as described in 1046.3.2

1046.3.8 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 chest area. "Police" shall be marked in white across the upper back.
- (e) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d).
- (f) Black, short (ankle) socks shall be worn when wearing shorts, and black, long (calf) socks shall be worn when wearing pants.
- (g) Solid black athletic shoes or approved cycling shoes.

1046.3.9 TRAFFIC OFFICER

- (a) Standard issue Class A long sleeve uniform shirt (wool), or
- (b) Standard issue Class B short or long sleeve PDU uniform shirt
- (c) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d)
- (d) "Motoport" Kevlar mesh motor pants

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- (e) All leather above the ankle patrol-style boot, capable of holding a high gloss shine
- (f) Silver whistle and whistle chain. Gold whistle and whistle chain for Sergeants and above.
- (g) $\frac{3}{4}$ or full-faced helmet.
- (h) The standard issued Class B Uniform may be authorized for training or special events at the Traffic Commander or Sergeant's discretion.

1046.3.10 CANINE UNIT

During standard patrol duties, the K9 Handler uniform will be:

- (a) Standard issue black PDU uniform shirt.
- (b) The uniform shirt will have an embroidered name plate and cloth badge attached. The Department shoulder patches will have "K9" embroidered in the middle.
- (c) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d).
- (d) Standard issue black PDU uniform pants.

During training and tactical operations the K9 Handler uniform will be:

- (a) Green long sleeve PDU uniform shirt with an embroidered name plate and green "Oxnard Police K9" patches on each shoulder or,
- (b) Green 5.11 "Rapid Assault" shirt with green "Oxnard Police K9" patches on each shoulder.
- (c) Green PDU uniform trousers.
- (d) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d).
- (e) Green tactical outer vest may be used depending on the severity of the tactical incident. The vest will have "Police" patches on the front, back and sides.
- (f) K9 Unit baseball hat.
- (g) During training, K9 Handlers have the option of wearing the Black K9 Unit t-shirt in lieu of the long sleeve PDU uniform shirt.

1046.3.11 SPECIAL WEAPONS AND TACTICS TEAM (SWAT)

The SWAT tactical uniform is worn during SWAT related incidents and training.

- (a) Green PDU long sleeve uniform shirt with an embroidered name tape and cloth badge. Green "SWAT" patches on each shoulder or,
- (b) Green 5.11 "Rapid Assault" shirt with green "Oxnard Police SWAT" patches on each shoulder
- (c) Green PDU uniform trousers.
- (d) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d).
- (e) Green tactical vest with "Police" patches affixed to the front, back and sides.
- (f) SWAT beanie or baseball hat is authorized during training and tactical operations.

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1046.3.12 GANG ENFORCEMENT (SEU)

- (a) Standard issue black PDU uniform shirt.
- (b) The uniform shirt will have an embroidered name plate and cloth badge attached and standard department shoulder patches.
- (c) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d).
- (d) Standard issue black PDU uniform pants.

1046.3.13 VIOLENT CRIMES UNIT (VCU)

The following uniform shall be worn during the service of search warrants :

- (a) Standard issue Investigation Bureau search warrant long or short sleeve t-shirt as described in 1046.3.14 (b).
- (b) Standard issue black PDU Pants.
- (c) Black Tactical vest with white velcro "POLICE" patches on the front and back panels.
- (d) Issued ballistic helmet.

The following jacket may be worn on call-outs, while conducting investigations, and situations requiring enforcement action:

a. Standard issue blue windbreaker jacket with white badge insignia on the left chest, white "Oxnard Police" shoulder patch logos on each shoulder sleeve, and white "Police" logo on the back.

1046.3.14 INVESTIGATIVE BUREAU

When performing duties related to directed enforcement, such as search warrant service or probation/parole searches, detectives shall be clearly identifiable as police officers and shall adhere to the established standards described below.

- (a) Standard issue Class B uniform and described in 1043.3.2, or
- (b) Standard issue black long or short sleeve t-shirt with badge insignia on the left chest, "Oxnard Police" shoulder patch logos on each shoulder sleeve, "Police" logo on back.
- (c) Standard issue PDU uniform pants.
- (d) Ballistic vest or Black tactical vest with white Velcro "POLICE" patches on the front and back panels.
- (e) Oxnard Police Badge clearly displayed on the outer most garment.
- (f) Issued ballistic helmet during search warrant services is required.

1046.3.15 CRISIS NEGOTIATION TEAM (CNT)

During monthly training and call-outs, member of the Crisis Negotiation Team shall adhere to the established standards described below:

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- (a) Issued black polo shirt with "Crisis Negotiator" above "Oxnard Police Department" on the left chest and first initial and last name on the right chest, embroidered in white writing.
- (b) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d)
- (c) Black PDU pants.

1046.3.16 RANGE STAFF

- (a) Issued red polo shirt with "Oxnard Police Firearms Training Unit" on the left chest and first initial and last name on the right chest, embroidered in black writing.
- (b) Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d).
- (c) Standard issue black PDU pants.
- (d) Red Baseball style hat with "Range Master" or "Range Safety Officer" on the front and the last name on the back, embroidered in black writing.
- (e) Issued red sweatshirt with "Oxnard Police Firearms Training Unit" on the left chest and the first initial and last name on the right chest, embroidered in black writing.

1046.3.17 DEFENSIVE TACTICS INSTRUCTORS

While providing or attending department training, approved competitions or conferences, Defensive Tactics Instructors will adhere to the established standards described below:

- (a) Standard issue Black T-Shirt with the Defensive Tactics Unit logo screen printed on the left chest.
- (b) Standard issue Black knee-length shorts with the Defensive Tactics Unit logo screen printed on the left thigh.

1046.3.18 HONOR GUARD

- (a) Standard issue Class A uniform with "Honor Guard" rocker patch above the "Oxnard Police" standard uniform shoulder patch.
- (b) Uniform adornments include the double strand citation shoulder cord, bib scarf, white cotton waist belt, gold belt buckle, and white gloves.
- (c) Gold name plate.
- (d) "Honor Guard" Badge.
- (e) High gloss oxford dress shoes.
- (f) Felt Campaign Hat with gold hat cord and an Oxnard Police "Honor Guard" hat piece.

1046.3.19 POLICE SERVICE OFFICERS

- (a) Standard issue Class A uniform as described in 1046.3.1, or;
- (b) Standard issue Class B uniform as described in 1046.3.2.
- (c) "Police Service Officer" service badge.

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- (d) Nameplate worn as described in 1046.3.2.

1046.3.20 TRAFFIC SERVICE ASSISTANTS AND COMMUNITY SERVICE OFFICERS

- (a) French blue wool long or short sleeved uniform shirt.
- (b) Standard issue wool or PDU uniform pants.
- (c) Black undershirt with crew (round neck) collar. T-shirts with worn, torn, discolored or sagging necklines will be replaced as unserviceable.
- (d) Black basket weave trouser belt.
- (e) Designated service badge.
- (f) Name plate worn as described in 1046.3.2.
- (g) Traffic Service Assistants may wear a silver whistle and whistle chain.
- (a) (Name plate worn as described in 1046.3.2.

1046.3.21 CHAPLAINS

- (a) Standard issue Class A uniform as described in 1046.3.1, or:
- (b) Standard issue Class B uniform as described in 1046.3.2.
- (c) Uniforms will have gold "P" buttons, name tag and religious emblems.
- (d) Standard issue soft cover for formal events.

(a)Standard issue Class A uniform as described in 1046.3.1, or;(b)Standard issue Class B uniform as described in 1046.3.2.(c)Uniforms will have gold "P" buttons, name tag and religious emblems.(d)Standard issue soft cover for formal events.

1046.4 INCLEMENT 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 to be worn by uniformed personnel. Other types of black rain gear may be purchased as an option, at the employee's own expense. The black rain gear worn by uniformed personnel shall have a black embroidered name tape with yellow writing, cloth badge, shoulder patches, and corporal/sergeant stripes permanently affixed to the jacket. The gear shall have no additional insignia or markings.
- (d) 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.
- (e) 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

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cap or campaign hat. An exception will be made for uniformed personnel to wear the Department approved baseball cap during incidents that require lengthy exposure to the sun. Use during festivals/events must be pre-authorized. Use of the Department approved baseball cap with approved soft uniforms is subject to the approval of the commander for that unit.

- (f) 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.
- (g) 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 or long sleeved shirt.
- (h) Both the hat and beanie will be provided by the Department to uniformed personnel 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 employee will return the cap or beanie to the Personnel and Training Unit for a new one.
- (i) The Department approved baseball cap and beanies are not to be worn off-duty.
- (j) 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.

1046.5 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 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.
- (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 sworn 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 stripes will be at a 30-degree angle. The stripes are to be worn on the left sleeve only.
- (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 1046.3.2 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 1046.3.2 above. If a

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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.

- (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 corporals 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.
 - 1. The rank insignia of Commanders and above will be in the form of 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 and outer edges of the collar. 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 bottom rocker, below their name plate, on their uniform. The bottom rocker shall be inscribed with "Training Officer FTO" in order to designate their position.
- (g) Traffic "Flying Arrow/Wheel" Patch -
 - 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 section 1046.4 (g) 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.

1046.6 SPECIALTY PINS

The following pins are authorized by the Chief of Police to be worn on the right pocket flap by officers by virtue of award, or membership in selected units: Medal of Merit, Medal of Valor, SWAT, Motors, CIT, Hostage Negotiator, Mounted Unit, 10851, 23152, Drug Recognition Expert, FTO, Service, and Officer of the Year.

- (a) 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.
- (b) 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.
- (c) Only two types of pins may be worn on the left pocket flap. Only one pin may be worn at a time.

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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. The American flag pin shall be a true color representation of the flag, with 50 stars and 13 stripes. It shall be 3/4" in width by 3/8" in height.

1046.7 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 professional staff 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 professional staff 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 professional staff clothes to work shall wear dresses, slacks, shirts, blouses, or suits, which are moderate in style.
- (d) Professional Staff 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. Flip-flops.
 3. Tank-tops, strapless-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 professional staff attire may be worn on-duty that would adversely affect the reputation of the Oxnard Police Department or the morale of the employees.
- (h) Authorized civilian personnel may wear the following:
 1. Black acrylic sweater (female).
 2. Authorized jackets as described in 1046.3.5 (d) and (e).
 3. Short or long sleeve black polo shirt with the words "Oxnard Police" on the left chest and the first initial and last name on the right chest, embroidered in white writing. No other ornamentation is allowed.

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4. Black undershirt with a crew (round neck) collar, as described in 1046.3.2 (d).
5. Black PDU style uniform pant.
6. For Class A functions, personnel will have the option of wearing the uniform described in this section or business attire.

1046.8 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (b) Replacement of optional items 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).

1046.9 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 retiree shall be instructed that any such items will remain the property of the Oxnard Police Department and will be revoked in the event of misuse or abuse.

1046.10 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Oxnard Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in this policy or by the Chief of Police or designee.

1046.11 MOURNING BANDS

The Watch Commander or Chief of Police may direct officers and uniformed professional staff 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 professional staff employees shall wear a solid 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

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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.

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Police Explorers

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:

- (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.

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- (d) Participate as observers during ride-alongs.
- (e) Assist with crime scene or missing person searches.
- (f) Assist Watch Commander.
- (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.

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.

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- (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.

1048.5 SECTION TITLE

The Oxnard Police Department does not condone, and will not permit fraternization between Explorers and Post Advisors or any other member of the police department. This applies to all youth members regardless of local or state laws related to the age of consent. Fraternization is not in keeping with the mentor relationship between youth members and adult leaders. Any employee contemplating becoming a personal mentor of an Oxnard Police Explorer shall contact the Explorer Police Sergeant for guidance and approval. Fraternization is defined as the development of a "Personal Relationship", as defined in section 1050.1.1.

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 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 a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

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) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

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 uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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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 their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Sworn officers shall be 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 Separation Protocol).
- (c) The purchase, carrying or display of a flat badge is not authorized for professional staff personnel.

1052.2.2 CIVILIAN PERSONNEL

Badges issued to professional staff 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, in accordance with the Department's Separation Protocol. 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.

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Department Badges

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and professional staff 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.

Temporary Modified-Duty Assignments

1054.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1054.2 POLICY

Subject to operational considerations, the Oxnard Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1054.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Oxnard Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Chief of Police.

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 Unit 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 to the Personnel and Training Unit no less than once every 30 days while the employee is on modified duty.
- (c) The Personnel and Training Unit shall keep the bureau chief apprised of the employee's status and ability to perform the modified duty assignment. Modified duty

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assignments that extend beyond one year 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 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1054.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1054.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

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- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1054.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1054.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1054.8 PHYSICAL THERAPY AND MEDICAL APPOINTMENTS

The following shall apply to physical therapy and medical appointments for injuries that are work related;

- (a) The employee will make every attempt to schedule the appointment on a work day, and, where possible, close to the end or start of the shift to minimize the amount of time lost from the work place.
- (b) If the appointment occurs during regular duty hours, the employee may attend on-duty and the time away will be recorded as regular time worked.
- (c) If the appointment cannot be scheduled during the employee's regular duty hours, the employee shall notify the Personnel and Training Unit within 24 hours of receiving notification of the appointment.
- (d) If the appointment cannot be scheduled during the employee's regular duty hours, the employee shall be compensated with overtime, which will include travel time.

There is no injury release time for physical therapy and medical appointments for injuries that are not work related. Sick time or annual leave will be used in those instances.

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/officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Department be subject to certain reasonable limitations on their speech and expression. This includes postings and conduct on their personal social media accounts. 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 their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Oxnard Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the 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 Mission Statement or Core Values of the Department..
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) None of the Oxnard Police Department Policy Manual 1058.4 (a) through (f) are meant to preclude or prevent an employee from engaging in protected speech, including engaging in whistleblower activities.

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).

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1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the 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.
- (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 e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

The Department 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 keystrokes or web-browsing history made at any department compute to over any department network.

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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 for accessing personal social media or to open a personal social website except when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

Anti-Retaliation

1059.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1059.2 POLICY

The Oxnard Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1059.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1059.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1059.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1059.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1059.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police or designee should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1059.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

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1059.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1059.8 RECORDS RETENTION AND RELEASE

The Professional Standards Commander shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1059.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Attachments

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

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VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <small>(e.g., non-profit, private, public school)</small> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo <input type="checkbox"/> Known to victim	
OBSERVATIONS	<u>VICTIM</u>		<u>SUSPECT</u>	
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____		<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>			
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<u>Resources offered at scene:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____				
MEDICAL	<u>Victim</u> <u>Suspect</u> <input type="checkbox"/> <input type="checkbox"/> Declined medical treatment <input type="checkbox"/> <input type="checkbox"/> Will seek own medical treatment <input type="checkbox"/> <input type="checkbox"/> Received medical treatment Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		<u>Paramedics at scene?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____	
	Officer (Name/Rank) _____		Date _____	
Officer (Name/Rank) _____		Date _____		
Supervisor Approving (Name/Rank) _____		Date _____		

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf



POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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The background of the page features a large, faint, light-orange watermark of the official seal of the Peace Officer Standards and Training (POST) Commission. The seal is a seven-pointed star. At the top point is a torch with a flame. The central circle of the star contains a detailed illustration of a Minuteman soldier standing with a rifle, a plow, a sailing ship, and a bear. The words "PEACE OFFICER STANDARDS AND TRAINING" are written in a circular border around the central image. The points of the star are decorated with stylized flame patterns.

POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
 - A. Response
 - B. Training
 - C. Planning and Prevention
 - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
 - Develop a network to build rapport with community groups

-
- Develop a protocol for response to hate crimes
 - Obtain witness and victim cooperation
 - Provide support services to victims
 - Collect demographic information about specific communities
 - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
 - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.
- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
 - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
 - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
 - d. Providing victim assistance and follow-up, including community follow-up.
 - e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
 - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

-
2. Stabilize the victim(s) and request medical attention when necessary.
 3. Ensure the safety of victims, witnesses, and perpetrators.
 - a. Issue a Temporary Restraining Order (if applicable).
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
 6. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 7. Identify criminal evidence on the victim.
 8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
 9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. The offer of victim confidentiality per Government Code (GC) 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"¹ in the commission of the crime.
 1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
 - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

¹See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

- (b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

-
5. Collect and photograph physical evidence or indicators of hate crimes such as:
 - a. Hate literature.
 - b. Spray paint cans.
 - c. Threatening letters.
 - d. Symbols used by hate groups.
 - e. Desecration of religious symbols, objects, or buildings.
 6. Request the assistance of translators or interpreters when needed to establish effective communication.
 7. Conduct a preliminary investigation and record information regarding:
 - a. Identity of suspected perpetrator(s).
 - b. Identity of witnesses, including those no longer at the scene.
 - c. Offer of victim confidentiality per GC 5264.
 - d. Prior occurrences, in this area or with this victim.
 - e. Statements made by suspects; exact wording is critical.
 - f. Document the victim's protected characteristics.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
 - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
 15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
 16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
 - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
 - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

-
6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²
 7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)

-
1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
 2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
 3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
 4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- ☐ Message from the law enforcement's agency's chief executive is included
 - ☐ The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
 - ☐ Definition of "hate crime" included from:
 - ☐ CPC 422.55
 - ☐ CPC 422.56
 - ☐ CPC 422.6
 - ☐ Title by title specific protocol regarding:
 - ☐ Prevention
 - ☐ Is contact is established with identified persons and/or communities who are likely targets?
 - ☐ Have we formed and/or are we cooperating with hate crime prevention and response networks?
 - ☐ Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
 - ☐ Response
 - ☐ Requirement that all hate crimes be properly investigated and supervised
 - ☐ Requirement that any hate crimes committed under the color of authority are investigated
 - ☐ Accessing Assistance
 - ☐ Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
 - ☐ Victim assistance and follow-up
 - ☐ Reporting
 - ☐ Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
 - ☐ Training
 - ☐ Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
 - ☐ Does the checklist include first responder responsibilities include:
 - ☐ Determining the need for additional resources if necessary?
 - ☐ Referral information for appropriate community and legal services?
 - ☐ The requirement to provide the agency's hate crimes brochure per CPC 422.92?
 - ☐ Information regarding bias motivation from CPC 422.87
 - ☐ Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- ☐ Definitions of terms used in the policy are listed
- ☐ Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
 - ☐ Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- ☐ Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- ☐ A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <small>(e.g., non-profit, private, public school)</small> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
BIAS	<p style="text-align: center;"><u>Type of Bias</u> <u>(Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>	
HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

HATE CRIME CHECKLIST

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EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No		Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo <input type="checkbox"/> Known to victim	
OBSERVATIONS	<u>VICTIM</u>		<u>SUSPECT</u>	
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____		<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>			
	Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Resources offered at scene: <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____				
MEDICAL	<u>Victim</u> <u>Suspect</u> <input type="checkbox"/> <input type="checkbox"/> Declined medical treatment <input type="checkbox"/> <input type="checkbox"/> Will seek own medical treatment <input type="checkbox"/> <input type="checkbox"/> Received medical treatment Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____	
	Officer (Name/Rank)		Date	
Officer (Name/Rank)		Date		
Supervisor Approving (Name/Rank)		Date		

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