

Cypress Police Department

Cypress PD Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

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 violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice. I WILL keep my private life unsullied as an example to all; 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.

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VALUES, MISSION, AND VISION STATEMENTS

Our Values

Values are principles or standards of behavior that drive an organization. The Cypress Police Department's values are:

- Teamwork
- Integrity
- Professionalism

Our Mission

Our mission is to provide professional public safety services in partnership with our community.

Our Vision

The Cypress Police Department's vision sets the focus for the future. It is a statement of where the organization is going.

- It is our vision to be at the forefront of law enforcement by setting the example for community trust, partnership, innovation, and public safety.
- We dedicate ourselves to creating a quality work environment that strengthens and unites our team.
- We are committed to excellence developed through pride, setting the standard, and earning a reputation for committed, caring, and courteous service.

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CHIEF'S PREFACE

We, as members of the Cypress Police Department, are held to the highest standards by our community and adherence to these policies will ensure we maintain the public's trust. The specific goals and priorities which we establish within the limits of our legislatively granted authority are determined to a large extent by community desires. These desires are presented to us through the community and the governing body of the City of Cypress. We conscientiously strive to be responsive to the community, knowing full well that we exist not to serve ourselves, but to serve and protect others. Ultimately, as public servants, department personnel are accountable to the people for their decisions.

The Cypress Police Department Policy Manual presents the framework to perform our law enforcement mission with current legal principles and best practices. These policies have been established to provide you with the tools necessary to carry out your law enforcement roles and responsibilities.

As leaders in the community, it is imperative we perform our duties in a manner that is consistent with our department policies, mission, values, Code of Ethics, and Oath of Office.



Mark Lauderback

Chief of Police

Cypress Police Department

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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 Cypress 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 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.

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE CYPRESS POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Cypress 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.

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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.

100.3 CONSTITUTIONAL REQUIREMENTS

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

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 POLICY

It is the policy of the Cypress 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.

Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

It is the policy of the Cypress 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.

104.3 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.”

104.4 MAINTENANCE OF RECORDS

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

Community-Oriented Policing Philosophy

105.1 PURPOSE AND SCOPE

A priority for the City Council is to keep the City of Cypress a safe place in which to live, work and visit. With this in mind, the City Council adopted community-oriented policing as a citywide supported philosophy of providing police services. To that end, the following Community-Oriented Policing Philosophy statement was created by various internal and external community stakeholders and adopted by the City Council.

105.2 DEFINITION

Community-oriented policing, as practiced by the Cypress Police Department, is a value driven policing philosophy that, at its core, embraces a partnership between our community and the Police Department. Within the Department, one will not find community-oriented policing written as a specific program nor will one find a community-oriented policing officer or unit. Our community-oriented policing philosophy is based upon what we prefer to call a value based policing philosophy, which involves every member of the City. Our goals in relationship to this philosophy include:

- (a) To promote safe, secure neighborhoods and commercial zones which are free of crime and/or the fear of crime, and absent of blight that breeds crime.
- (b) To promote citizen involvement in partnership with us to resolve those problems and conflicts which adversely affect the quality of life of our community.
- (c) To enhance communication between the citizens of our community, the Department and the local government in general.

105.3 ORGANIZATIONAL PHILOSOPHY

As part of this organizational philosophy, we have an organizational culture which encompasses the following:

- (a) The Cypress Police Department is a full service organization with the primary function of providing public safety related services which meets the needs and/or desires of the community.
- (b) The Cypress Police Department considers itself an integral part of the community.
- (c) Our belief is that the community has a legitimate and fundamental obligation to be involved in policing our City.
- (d) We form true partnerships with the community's various stakeholders in order to provide a better quality of life for those who live, work and/or visit our community.
- (e) Our operations are strategically based anticipating and solving problems before they erupt into major issues, rather than solely relying on a traditional command and control style which is simply based on reacting and confronting individual incidents.

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Community-Oriented Policing Philosophy

- (f) The level of public cooperation, servicing various community needs and the long-term resolution of community problems, determines our overall effectiveness.

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Cypress 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.

106.2 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.

106.2.1 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 Cypress 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 Cypress Police Department reserves the right to revise any policy content, in whole or in part.

106.2.2 STAFF

Staff shall consist of the following:

- Chief of Police
- Commanders

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

106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their division commander who will consider the recommendation and forward to staff.

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106.3 AUTHORITY

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

106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Special Orders may be abbreviated as "SO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

106.3.2 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Commanders
- Watch Commander's Office
- Criminal Investigations Bureau
- Report Writing Room
- Temporary Holding Facility (15 CCR § 1029)

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.

106.4 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 Cypress.

Civilian - Employees and volunteers who are not sworn peace officers.

Department/CYPD - The Cypress Police Department.

DMV - The Department of Motor Vehicles.

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Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The Cypress Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers.

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

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

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

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 DIVISIONS

The Chief of Police is responsible for administering and managing the Cypress Police Department. There are two divisions in the Police Department as follows:

- Support Services Division
- Operations Division
- Support Services Division

200.2.1 INVESTIGATIONS

The Investigations Division is commanded by a Division Commander whose primary responsibility is to provide general management direction and control for the Investigations Division. The Investigations Division consists of General Investigations, Special Investigations, Professional Standards, and Permits.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by a Division Commander whose primary responsibility is to provide general management direction and control for the Operations Division which consists of Uniformed Patrol, Traffic Safety, Canine, Jail, Reserves, Communications and SWAT.

200.2.3 POLICE ADMINISTRATION DIVISION

The Police Administration Division is commanded by a Division Commander whose primary responsibility is to provide general management direction and control for Records, Property and Evidence, Court Liaison, Facilities, Budget, Personnel and Training, Personnel and Training Unit, P.A.C.E., the School Resource Officer, Crime Prevention, Volunteers (VIP's, Chaplains, RACES, CERT and Explorers), and Emergency Services.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a division commander to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police will revert to the Investigations Division Commander or in his/her absence, then to the Operations Division Commander. In the absence of the Investigations and Operations Division Commanders, the Administration Division Commander will have command authority.

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Organizational Structure and Responsibility

If no members of the Executive Team are available, then the Watch Commander will assume command.

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

Special Order

204.1 PURPOSE AND SCOPE

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

204.1.1 SPECIAL ORDER PROTOCOL

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

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

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 09-01 signifies the first Special Order for the year 2009.

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

204.2.3 DISSEMINATION OF POLICY MANUAL UPDATES

New policy updates will be made available for employees and will be discussed at briefings and shift meetings. Copies of the special orders will be available online and will be accessible through the Lexipol system.

204.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Special Orders. All employees are required to acknowledge in writing the receipt and review of any new Special Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.

Emergency Operations Plan

206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations 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 Operation Plan can be activated in a number of ways. For the police department, the City Manager, Chief of Police or the highest ranking official on duty may activate the EOP in response to a major emergency. Once the City Manager and a department head or two department heads have given authorization to activate the Emergency Operations Center (EOC), police dispatch may be directed to contact and/or recall key personnel to respond to the event. Alert OC will be used for an EOC activation. In the event the phones are inoperable, radios will be utilized where possible to contact the dispatch center. The Emergency Alert System (EAS) will be activated to notify employees to return to work. In the event of a major disaster where phones are inoperable, all city employees have been trained to automatically report to their work site.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Cypress 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 EOP is available in the Watch Commander's office, City Manager's office, department heads' offices, and EOC. All supervisors should familiarize themselves with the Emergency Operation Plan and what roles police personnel will play when the plan is implemented. The EOP is available in the Watch Commander's office, City Manager's office, department heads' offices, and EOC. The EOP is also available electronically on the city server. All supervisors should familiarize themselves with the Emergency Operation Plan and what 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. Additionally, the Emergency Management Plan must be submitted to CalEMA every two years for approval.

Training Policy

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

208.4 TRAINING PLAN

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

- Legislative Changes
- State-Mandated Training
- Critical Issues Training

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. Previously authorized 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 Training Sergeant to attend the required training on an alternate date.

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209.1 CITY OF CYPRESS TRAVEL AND MEETING POLICY

ORIGINATING DEPARTMENT: Finance and Administrative Services

Purpose:

To establish uniform policies and procedures for reimbursing employees and City officials for expenses incurred while traveling and conducting official City business.

Scope:

Policy and procedures concerning expenditures incurred by employees and City officials during the course of official travel are within the scope of this Administrative Procedure. Exceptions to the procedures and limitations contained within this Administrative Procedure shall be allowed only upon the authorization of the City Manager.

Policy:

Attendance at professional meetings, seminars and conferences concerned with the promotion of municipal interests and the advancement of professional capabilities will be paid by the City when:

- The appropriate authority has granted specific approval.
- Adequate funds are available in the current year's operating budget.
- Receipts are provided as specified within this Administrative Procedure.

General

Employees are to make every effort to minimize travel and meeting expenses by utilizing the least expensive method of travel. Travel arrangements shall be made as far in advance as possible to take advantage of discounted or reduced fares and rates.

The City's reimbursement plan is considered to be an "accountable plan" by the IRS. The plan includes a combination of reimbursements based upon receipts and a "per diem" component approved by the IRS. Travel reimbursement amounts are not reported on the employees' W-2.

Travel expenditures charged to a City-issued credit card are limited to the following: airline, bus or train tickets, shuttles, lodging, sustenance, rental cars, and conference/seminar/training session registration or enrollment fees.

Travel Authorization:

Justification for all paid City travel expenses will be evaluated in terms of benefit to the City for such travel based upon the criteria of usefulness of information to be obtained, need for personal representation and networking potential for the City or its staff.

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- Conference travel shall be limited to the City Manager, department directors, middle managers, or other positions of a highly technical or professional nature as determined by the City Manager or his/her designee. The City Manager may authorize the attendance of additional employees if deemed appropriate and funding is available to cover expenses.
 - Travel requests should be submitted with annual budget requests.
 - A mid-manager may only attend in-state conferences and all other staff is limited to attendance at conferences in the Southern California area. The City Manager or designee may authorize exceptions based upon benefit to the City.
 - Department directors may attend one out-of-state and one in-state conference each budget year.
 - A limit of two members of each commission may attend out of the area conferences, provided that funds are specifically included in the budget.
- (a) Transportation
1. Allowance for air travel will be round trip coach fare to the city specified. All travel on City business outside of the Southern California area will normally be by air unless previous approval has been granted, with just cause, for another mode of transportation. It is expected that the shortest and most direct routes will be taken.
 2. Ground transportation (taxi or bus) between the airport and the business meeting site will be reimbursed. Ground transportation between business appointments and between home and the airport, as well as parking at the airport, if required, will also be reimbursed. Long-term parking must be used whenever feasible or the lowest rate parking available. Short-term will be reimbursed LT rate, and requires City Manager approval.
 3. The City will not reimburse for excess baggage fees if not related to City business. This includes sporting equipment.
 4. Private vehicles reimbursement will be allowed when:
 - (a) It is evident that air transportation is impossible or impractical; or
 - (b) There is a need for a vehicle enroute or at destination and prior approval by the department director grants the use of a private vehicle.
 - (c) Those employees using their private vehicles will be reimbursed for those miles traveled at the current approved mileage rate or the amount of an individual coach airfare, whichever is the lesser amount. When more than one employee is traveling in the same vehicle, the mileage reimbursement will be paid to one (1) person.

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- (d) The employee will not be reimbursed for additional lodging and subsistence expense caused by differential of travel time by use of vehicle vs. other transportation.
- (e) Automobile mileage is reimbursable if an employee that does not receive an auto allowance is required to use a personal vehicle for travel within 60.0-mile radius from the City Hall. Reimbursement for personal auto usage for business will be calculated per the most current Internal Revenue Service (IRS) guidelines. Mileage is based on the following:
 - 1. If an individual drives round-trip from their residence to a meeting or training function, the round-trip mileage the employee would have driven from his/her residence to work must be subtracted from the round-trip mileage to the event. Any excess mileage is reimbursable to the employee at the current IRS approved rate. Travel for any POST-reimbursable meeting or training function shall be reimbursed per POST guidelines. The City shall subsidize the POST reimbursement rate to make up the difference in the event it is lower than the most current Internal Revenue Service (IRS) guidelines.
 - 2. If an individual drives round-trip from work to a meeting or training function, the round-trip mileage from the City location to the event is reimbursable at the current IRS approved rate.
 - 3. Those designated by resolution or City policy to receive a monthly auto allowance shall apply for mileage reimbursement only for trips beyond 60 miles from the City Hall, commencing with the 61st mile of travel. The rate of reimbursement shall be at the current IRS approved rate.
- 5. City vehicle usage will be allowed for authorized employees. Out-of-pocket expenses such as gas and oil are reimbursable provided receipts are submitted with the Monthly Mileage and Expense Report (F-4 or F-61).
- 6. Rail or bus travel will be allowed, not to exceed the round trip coach airfare or mileage reimbursement.
- 7. It is the intention of the City that public transportation be used whenever practical; however, prior approval by the department director may be granted for use of a rental vehicle at the destination of official business, if it is deemed necessary due to geographical location of airport or accommodations in relation to conference or meeting site, when other local group conveyance transportation is unavailable, and/or when a rental car is the most economical means of

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accomplishing travel to the final destination. When possible, use of airport or hotel shuttle is encouraged.

8. When a rental car is authorized, the employee shall be limited to a compact or mid-size vehicle. If gasoline is purchased for the rental vehicle, the employee shall keep receipts for reimbursement. Travel in a rental car should be limited to City business.
9. City officials and staff should utilize either the City's travel agent (if available) or the Internet to secure the most cost effective car reservations. Internet reservations can be made using the department credit card or the employee's personal credit card. Individuals will be reimbursed for pre-approved reservations made on their personal credit card after they submit a detailed receipt of the charges.
10. The City is self-insured for vehicle liability and provides for workers' compensation coverage, accordingly, the insurance coverage should be waived. The coverage is limited to business use. When completing the rental car agency contract, sign as a representative from the City, not as an individual, for example, City of Cypress, CA, by (your name).
11. Travelers are required to notify the Administrative Services Manager at 714-229-6686 and the employee's supervisor within 24 hours of any event, incident or accident while traveling on City business.
12. Departure for any travel shall not be earlier than that which would allow the City personnel to arrive within a reasonable amount of time to attend the first scheduled event of the conference, seminar, etc.; in turn, the same reasonable time period shall apply to departure from the event when returning and shall allow City personnel to return to work at the earliest possible time.

(b) Lodging

1. It is the City's policy to provide adequate lodging for its employees and City officials while they are out of town on City business. Out of town is defined as a location greater than sixty (60) miles from City Hall. Exceptions to this directive may be applied or granted in advance based upon good cause by the City Manager. Lodging is allowed when approved by the department head for attendance at conferences, seminars or meetings.
 - (a) Hotel and motel accommodations should be appropriate to the purpose of the trip. Receipts for lodging must be provided to obtain reimbursement. Individuals are expected to stay at a hotel or motel in close proximity to the conference or event site.
 - (b) Hotel and motel charges shall be based on single occupancy rates. The City will not reimburse employees for lodging expenses incurred by family

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members when an employee's family accompanies him/her, or for any charges above the single occupancy rate if the hotel charges more for additional guests in the same room. If such lodging is in connection with a conference, lodging expenses must not exceed the conference group single occupancy rate published by the conference sponsor, if such rates are available at the time of booking. If conference group single occupancy rates are not available, employees and officials should request the "Government Rate" when available. In the event that government rates are not available, the charges shall be based on the lowest single occupancy rates available.

- (c) Lodging arrangements can be paid for in advance using a credit card or submitting a request for payment to the hotel. Original receipts should be submitted with a check requisition.
- (d) A traveler canceling reservations shall do so according to the hotel's policy in order to avoid charges. The City does not reimburse for non-canceled reservations, early departure, or late cancellation charges unless approved and documented by the department head and documented with payment.

(c) Meals

- (a) Employees, including those attending a P.O.S.T.-reimbursable school, will be reimbursed \$46 for meals on a per diem basis (receipts are not required). Officials and employees will receive a daily allowance ("per diem") for meals and incidental expenses (M&IE) relating to business travel. The per diem limit will be updated periodically. The current allowable per diem rate for M&IE is \$46.00. Using the per diem rate allows for less paperwork for both the employee and the City (since receipts are not required), as well as provides adequate resources for meals while traveling on City business. When traveling for partial days, or when meals are provided as part of a program or while in transit, the following amounts are to be used to reduce the daily allowance:
 - (b) The following are examples of how per diem may be claimed:
 - (a) Per diem for breakfast may be claimed if an employee is in travel status prior to 7 a.m. and breakfast is not provided.
 - (b) Per diem for lunch may be claimed if an employee is attending a conference through the lunch hour past 2:00 p.m. This per diem reimbursement guideline includes P.O.S.T.-reimbursable functions effective August 1, 2002.
 - (c) Per diem for dinner may be claimed if an employee is required to stay overnight.

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- (d) Meal expenses, which are included as part of a conference or meeting registration fees, such as the continental breakfast should be noted as such when reporting the registration fee expense. Per diem for these meals may not be claimed.
- (c) The City's or IRS 1542 per diem rate is as follows:
 - (a) Breakfast \$10
 - (b) Lunch \$12
 - (c) Dinner \$24
 - (d) TOTAL \$46
 - (e) When receipt is provided the reimbursement shall be at actual cost up to \$12.00.
- (d) Conference, Meeting Expenses " Registration and/or conference fees shall be reimbursed at actual cost. Materials, which may be required for participation, may also be considered a reimbursable expense.
- (e) All conference and meeting attendance must be authorized by the department director. Requests should be made far enough in advance to take advantage of all available discounts and to take into consideration normal processing requirements. A Check Requisition form made out to the sponsor with the proper supporting registration forms should be forwarded to the Finance Department for payment and mailing. Registration must be included on a regular warrant register and will not be processed on a "pre-issued manual" basis. If registration is paid upon arrival at said conference by the attendee, an original receipt must be submitted for reimbursement, and in some instances a copy of the employee's canceled check or other proof of payment may be requested to support the amount claimed.
- (f) Other Miscellaneous Expenses " Expenses included in this classification must be itemized and clearly shown as related business expenses, such as the cost of necessary phone calls to City Hall. A personal call to advise the family of the employee of a safe arrival is allowed.
- (g) Miscellaneous Expenses - Includes charges for vehicle parking, bridge tolls, and any other justifiable business expense may be allowed. A satisfactory explanation of the charge(s) is required for expenditures that are large or unusual. A receipt or other voucher shall accompany the employee reimbursement request for miscellaneous expenses.
- (h) Travel Advancement Payment and Reimbursement Procedures
 1. The Finance Department has established the Conference Expenditures form (F-4) to request an advance (greater than \$100) and/or to claim reimbursement

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for a budgeted conference (including local conferences without lodging). Advances must be submitted to accounts payable at least one warrant register prior to the conference and will not be "pre-issued" manually. Advance funds will not be released more than five business days prior to the event or trip departure date. When requesting an advance, a supporting schedule detailing what the advance amount will be expended on is required so the Finance Director can determine whether the proposed expenditures are allowable under the conditions of this policy. Advance requests, which do not include the appropriate support, will be returned unpaid to the requesting department. A completed "Conference Expenditures" form (with original receipts) must be submitted to the Finance Department within ten (10) days after the event, along with any unspent monies.

2. The Monthly Mileage & Expenses Report form (F-61) is used to request reimbursement for one-day commuter activities such as: seminars, professional association lunch meetings, mileage, etc. Mileage amounts are reimbursed on an actual miles traveled basis, while other expenditures (i.e. the cost of a lunch meeting) are reimbursed on an actual out-of-pocket basis with the exception that meals are reimbursed at the per diem rate. The Monthly Mileage & Expense Report must be submitted within 10 days after the end of the month, with all original receipts attached.
3. It is the policy of the City that the standard forms (F-4 or F-61) provided by the City be used to document travel and business expenses and in support of request for reimbursement. All expenses must be listed on a single form. Original receipts (not photo copies) are preferred and must be submitted with all expense reports. It is the responsibility of the individual incurring the expense to see that documentation for business and travel expenses is complete and submitted in a timely and accurate manner.
4. Persons with delinquent expense reports (a report not filed within 10 working days of the trip return date) will not be allowed to obtain a future travel advance until their delinquent expense reports are filed.

(i) **Non-Reimbursable Expenses**

1. Items of a personal nature are not reimbursable including: alcoholic beverages, movies, entertainment, premium television services, snacks, dry-cleaning, spas, gyms, barber, magazines, shoeshine, travel insurance, supplemental insurance on rental cars, toiletries, loss of tickets, fines or traffic violations, excess baggage, lecture tapes or books, the incremental cost for spouse or guest accommodations, shipments from conference, non-essential toll roads fees, or other items of a personal nature.

City-sponsored Meetings:

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Special training sessions, goal-setting workshops, and other unique one-time meetings or situations may be pre-approved by the City Manager or department director on a case-by-case basis.

Miscellaneous Business Meals Expenses:

It is recognized that the City Manager and department directors may incur expenses (meals) in the course and scope of conducting City business. Reimbursement for meal expenses shall be reasonable and within the purpose and scope of this Administrative Procedure. Staff is encouraged to use the City credit card whenever possible when conducting City business pursuant to this section.

Procedures And Responsibilities:

The City Manager is responsible for insuring compliance with the policies and procedures set forth within this document, with the assistance of department directors. Responsibility also extends to each City employee or representative of the City who requests and participates in official travel.

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 must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

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.

Email messages are subject to discovery in litigation on the same basis as correspondence or internal memos. Email messages may also constitute "records" within the meaning of the California Public Records Act. Deletion of an email message does not necessarily eliminate backup copies of the message that may be automatically stored electronically.

212.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, insulting, disrespectful, sexually suggestive, harassing, disruptive, offensive, harmful to morale or any other inappropriate messages on the e-mail system is prohibited and may result in discipline. Sexually explicit messages, ethnic or racial slurs, and any other messages that could be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, marital status, age, national origin, religious or political beliefs, and other offensive or unlawful remarks, jokes, slurs, and obscenities are prohibited.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. Employees may not use the City's Internet

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service or email systems to further personal, political, and religious causes, and must have due respect for each system's security.

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

212.4 EMAIL RECORD MANAGEMENT

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

The Custodian of Records shall coordinate with the City of Cypress Information Services Department to ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

212.5 CHECKING OF E-MAIL

It is important that all employees of this department check their respective e-mail messages at least twice a day. It is recommended that the checks be made at both the beginning and again just prior to the end of your shift. Important messages, as well as general information, will be sent department-wide through the e-mail system. Therefore, all employees shall make it a daily habit to check for e-mail messages.

212.5.1 RETENTION AND DELETION

A compliance-based electronic e-mail retention policy has been implemented by the City with a six month destruction period in an effort to maintain electronic mail messages for a reasonable period of time. E-mail messages in an employee Inbox, Sent, Deleted, and Junk Folders will be deleted after six months. Messages will be destroyed automatically on a daily basis after they become six months old. E-mail messages in personal folders created by the employee will also be deleted after six months.

It is the responsibility of each employee to delete the contents of messages in their Archive Folders. It is a violation of this policy if an employee alters or attempts to alter the destruction date of an e-mail message before it becomes six months old. Electronic documents deleted after the six month period are permanently deleted and may not be retrieved. Keeping in mind the electronic mail system is not a filing system, all official or sensitive documents sent via e-mail should be printed out (hard copy) and filed in the appropriate location or saved to a folder on the City's file server. It is against city policy for any person to knowingly or corruptly alter, destroy, mutilate, or conceal a record, document or other object, or attempt to do so with the intent to impair the object's integrity or availability for the use in an official proceeding.

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 SPECIAL ORDERS

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

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all correspondence utilizing Department letterhead shall be approved by a commander. Before giving approval, the individual approving correspondence should take into consideration whether the Chief of Police should also be notified of the contents of the correspondence. All Department letterhead shall bear the signature element of the Chief of Police and/or his/her designee. Personnel should use Department letterhead only for official business and with approval of their supervisor.

Instances involving standard form letters do not require approval for each use once the initial approval is given. However, when form letters are modified, they will need to be approved prior to use.

214.4 SURVEYS

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

214.5 MEMORANDUMS AND LETTERS OF RECOGNITION

All memorandums communicated to outside agencies, prior to being disseminated, shall be approved by the employee's supervisor. Before giving approval, the individual approving the memorandum should take into consideration whether the division commander should also be notified of the contents.

Memorandums and Letters of Recognition for superior employee performance are not to be authored by anyone below the rank of Lead Police Officer. Memorandums and Letters of Recognition for superior performance by individuals outside the Cypress Police Department shall not be authored by anyone below the rank of Lead Police Officer and shall receive prior approval by a division commander.

Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on-duty whenever possible.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as a Field Supervisor with prior authorization from the Operations Division Commander. Furthermore, regular supervisors from neighboring jurisdictions may also be used as Field Supervisors or Watch Commanders with prior approval from the Chief of Police or his/her designee.

License to Carry a Firearm

218.1 PURPOSE AND SCOPE

With the exception of Cypress Police Department Reserve Officers and Honorably Retired Cypress Police Officers, all applications for concealed weapons licenses will be referred to the Orange County Sheriff, as authorized by Penal Code § 26155(c). Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

218.1.1 APPLICATION OF POLICY

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

218.2 POLICY

The Cypress 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 Cypress (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). The applicant should provide at least three letters of character reference.
- (f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership or registration of any firearm to be licensed.

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- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training (Penal Code § 26165).

218.4 APPLICATION PROCESS

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

218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 - 2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Cypress for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (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).

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- (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. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).
- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

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

218.4.2 PHASE TWO

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

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
 - 1. The determination of good cause should consider the totality of circumstances in each individual case.
 - 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
 - 3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

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- (c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster 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 Rangemaster, 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 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 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 Cypress (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).

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

218.6 ISSUED FIREARMS 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.

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218.6.1 LICENSE RESTRICTIONS

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

218.6.2 AMENDMENTS TO LICENSES

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

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

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

218.6.3 REVOCATION OF LICENSES

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

- (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.

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

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

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

218.6.4 LICENSE RENEWAL

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

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

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

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

218.7 DEPARTMENT REPORTING AND RECORDS

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

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

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- (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.

218.8 CONFIDENTIAL RECORDS

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

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 his/her family shall not be considered public record (Government Code § 6254(u)(1)).

Audits and Inspections

219.1 PURPOSE AND SCOPE

The intent of these guidelines is to provide all members of the Department with information about the audit and inspection process. Additionally, the manual serves as a guide for managers and supervisors who oversee or conduct audits and inspections.

Through the use of the audit and inspection process, the various functions of the Department are reviewed to determine if policies and procedures are being followed or whether the function(s) should be changed, eliminated or modified. The process may identify deficiencies and recommend corrective action that could affect management, supervision, or training.

Managers and supervisors are encouraged to use positive measures in responding to issues and problems identified through the audit and inspection process. The basic intent of this process is to improve performance and service by reviewing what the Department is actually doing.

219.1.1 POLICY

Audits and inspections are the functions and responsibility of command personnel. Audits and inspections are an integral part of any management system that holds members accountable for their performance. Audits and inspections may be conducted within the Department to ensure that the integrity of the Department is maintained, and that the operational policies and procedures of all units conform to Department policies, procedures and existing law.

219.2 DEFINITIONS

The following terms and definitions provided in this section are made relative to the "Audit and Inspection Process."

- (a) Audit - The formal review process whereby management determines compliance with, and the validity of, the Department Mission, Core Values, Policies and Procedures.
- (b) Inspection - A supervisor's review of personnel, practices, equipment and other resources focusing on continuous improvement.

219.3 MANAGEMENT RESPONSIBILITIES

Commanding officers have the responsibility and accountability for every aspect of their commands. They have the authority to coordinate, direct and assign personnel and other resources in achieving organizational goals and objectives. In so doing, they must perform the full range of administrative functions, relying upon policy, direction, training, and personal initiative to guide them and their commands in striving for excellence and the highest level of performance possible. Two very important administrative responsibilities are that of audit and inspection. Each commanding officer is responsible for continual, ongoing inspections within his/her command. A commanding officer's responsibilities include the discovery of deficiencies and/or inadequacies, taking appropriate follow-up action, responding to all recommendations for improvement and providing written feedback to the Chief of Police. Management control systems are necessary to:

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- (a) Further the Department's Mission.
- (b) Determine whether existing policies, procedures, and practices are necessary, adequate and/or being adhered to.
- (c) Determine whether department resources are most effectively and efficiently deployed.
- (d) Evaluate the overall performance of department personnel.
- (e) Improve service delivery.

219.4 TYPES OF AUDITS

Audits may be conducted by Audit Teams composed of members who have no direct supervisory authority over the operation of the unit being audited. The goal of an Audit Team is to provide an unbiased, objective review. There are three types of audits:

- (a) General Audits - These are comprehensive audits of organizational subdivisions conducted by the Audit Teams.
- (b) Follow-Up Audits - Follow-up audits are conducted to determine if recommendations made in General Audit reports were accepted and implemented. They are normally less comprehensive than General Audits and focus only upon the responses to previous recommendations.
- (c) Special Audits - Special Audits are reviews undertaken in response to specific concerns of the Chief of Police. The objectives are usually narrow in scope and the audits may be conducted without advance notice. Special Audits are conducted only at the direction of the Chief of Police.

219.5 TYPES OF INSPECTIONS

Inspections may be performed by supervisory personnel who have direct authority and responsibility for the unit being inspected. Following are two types of inspections.

- (a) Formal - Inspections regularly conducted by supervisory personnel, at the direction of a bureau or division commander, to ensure that Department policy and procedures are being followed and resources appropriately/properly utilized. The results of Formal Inspections are prepared in a written staff report format, and submitted to commanding officers for review.
- (b) Informal - Inspections routinely performed by supervisory personnel to reinforce proper behavior and/or identify and correct minor deficiencies. Documentation could include Employee Incident/Comment Record Cards (PD-111), or memorandums.

219.6 AUDIT REPORTING

A systematic approach to conducting the audit can dramatically reduce the time spent drafting and revising the final written document. A clear sense of the purpose and scope must be established

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at the onset. All pertinent research must be methodical and complete. At minimum, audit reports will address the following:

- (a) To what extent bureau, division, section and/or unit policies and procedures are codified, appropriate, and being followed.
- (b) Whether bureau, division, section and/or unit goals and objectives are being attained.
- (c) An examination and evaluation of accounting procedures utilized to control materials, supplies, and any associated monies.
- (d) To what extent bureau, division, section and/or unit operations are in compliance with Department policies and procedures.

219.6.1 GENERAL REPORTING RULES

The following standard audit format may be used in preparing timely, thorough, and easily understood reports. There are eight major divisions of the audit report, purpose, methodology, background information, significant findings, recommendations, comments and general observations, detailed findings, and the appendix.

- (a) **PURPOSE** - All audit reports begin with an introduction which briefly explains the reason for, scope, intent and objectives of the audit or inspection.
- (b) **METHODOLOGY** - The methodology is an explanation of the procedures used to achieve the stated objectives of the audit. Generally, the methodology will be approved by the Chief of Police, in consultation with the division commander of the division to be audited, prior to the start of any research. The purpose of completing a methodology statement is to ensure that:
 - 1. The scope of the audit is defined.
 - 2. The auditor is familiar with all policies and procedures affecting the entity or topic to be audited.
 - 3. A systematic approach to the audit has been developed.
- (c) **BACKGROUND INFORMATION** - The purpose of this section is to briefly clarify the circumstances and conditions existing prior to and/or leading to the audit. The necessity for use of this section depends on whether the background information will help the reviewer understand the information that follows in the report.
- (d) **SIGNIFICANT FINDINGS** - Those findings, positive or negative, which will be of particular interest to the reviewer, should be stated briefly in this section. The findings should be listed in the outline format, and should be listed in order of importance. A lead-in statement giving an overview of the significant findings may be helpful and can be used if appropriate. Significant findings that support a recommendation should include a reference to that recommendation.

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- (e) **RECOMMENDATIONS** - Normally, each report will contain recommendations to resolve problems and issues in the audit. The report may also include recommendations for the broader application of systems or procedures found to work especially well. The recommendations should briefly and clearly state what corrective action is recommended and, when applicable, the organizational entity responsible for implementing the recommendation. Generally, any condition which warrants mentioning in the Recommendations section should also be addressed in the Significant Findings section of the report.
- (f) **COMMENTS AND GENERAL OBSERVATIONS** - This section will contain generalized statements summarizing the auditor's opinion(s) about the overall operational effectiveness of the unit and other factors, including less tangible areas such as morale, not covered by the specific objectives.
- (g) **DETAILED FINDINGS** - The Purpose, Methodology, Background (if included), Significant Findings and Recommendations portions of the audit should contain sufficient information to furnish the reviewer with all of the significant points of the audit. The Detailed Findings section should include all supportive and relevant information gathered. Sufficient facts with supporting data must be included in the Detailed Findings to support the conclusions made in the Significant Findings and Recommendations sections of the report.
- (h) **APPENDIX** - All documents, charts, graphs, or other supplemental materials that are referred to in the audit report should be attached as the appendix. Only those items that are pertinent to the report should be included. Each appendix item should be assigned a number (at the bottom right hand corner of the page) for reference purposes. If an appendix item contains multiple pages, each page should also be assigned a letter (2a, 2b, etc.). When making reference in the body of the report to an appendix item, the reference should appear in parentheses at the end of the sentence.

219.6.2 CONCLUSION OF THE AUDIT

At the conclusion of the audit, the Audit Team will meet with the responsible commander(s) and verbally provide a summary of the audit with highlights of findings. As with the entire audit process, this is intended to be a non-adversarial meeting.

219.7 PRELIMINARY AUDIT REPORT

After meeting with the involved commander(s) the designated audit officer may compile all related documentation for completion of a preliminary audit report. When complete, the Audit Team will forward the preliminary report to the Chief of Police for review. Once approved by the Chief of Police, a copy of the report will be forwarded to the involved division commander(s) for review and response.

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219.7.1 RESPONSE TO AUDIT REPORT

The division commander(s) will be given a reasonable time period, as determined by the Chief of Police, to review the preliminary audit report as well as all recommendations made by the Audit Team. The division commander(s) is responsible for responding to the Chief of Police in writing as to each recommendation. The commander(s) shall also forward a copy of his/her report to the Audit Team.

219.7.2 COMPLETED AUDIT REPORT

Upon receipt of the division commander(s) response report, the designated audit officer will complete the audit report. The completed audit report consists of the preliminary audit report, the response from the division commander(s) and an Executive Summary directed to the Chief of Police. The Executive Summary will identify the organizational component audited, the type of audit and the total time spent on the audit. It will include a summary of the results of the audit and list any recommendations.

Bureau and division commanders shall be familiar with and maintain a copy of all audit reports concerning each division under their command.

219.8 INSPECTION REPORTING

- (a) Formal Inspection - The Chief of Police or his/her designee shall ensure that Formal Inspections are conducted within the respective division. Follow-up and corrective reports are the responsibility of the division commander(s) and will accompany the inspection report through the chain of command. The original reports will be maintained by the concerned division commander. The areas covered will include, but are not limited, to the following:
 - 1. Compliance with policies and procedures by Department, division, or bureau
 - 2. Hours of work attendance
 - 3. Appearance/grooming/uniforms
 - 4. Required safety equipment
 - 5. Weapons
 - 6. Facilities
 - 7. Vehicle condition and required equipment
 - 8. Overtime usage
- (b) Informal Inspection - Informal inspections should result in immediate action being taken by the inspecting supervisor to reinforce proper conduct or correct discrepancies. Documentation may be accomplished through memorandums or Employee Incident/Comment Record Card (PD-111).

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 Cypress 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 Cypress Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

220.2.1 HONORABLY RETIRED PEACE OFFICERS

- (a) The definition of "honorably retired" is found in Penal Code § 16690. Any peace officer who has qualified for and accepted either a service or disability retirement is considered to be "honorably retired."
 1. "Honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination.
- (b) Honorable retirement can apply to either a service or disability retirement. Both service and disability retirements are defined by the California Public Employees Retirement System. To be eligible for service retirement, you must be at least age 50 and have five years of CalPers service credit. There are two types of disability retirements. If the cause of the disability is job-related, there is no minimum service requirement. The date of separation with the City of Cypress determines whether an employee has resigned or has retired and qualifies for the CCW privilege.
- (c) When an officer is retired due to a psychological disability (including stress), Penal Code § 26305(a) specifies that no endorsement to carry a concealed and loaded firearm shall be issued if the officer retires after January 1, 1989. The identification card shall be stamped in bold red letters "No CCW Privilege."

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.

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- (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.

If the Cypress 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.

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- (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.
- (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 one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

220.4.2 QUALIFIED RETIRED RESERVES

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

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 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

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

220.5.2 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.

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- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

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

The minimum range qualification requirement shall consist of 10 rounds at a target 15 feet away. The target shall be a piece of paper eight and half inches by 11 inches. All rounds must strike the paper.

A retired officer may qualify at an out-of-state range, subject to approval by the Administrative Services Sergeant. The procedure for this will be as follows:

- (a) The retiree will contact the Personnel and Training Unit and inform them of his/her desire to qualify at a firearms range. This should be done approximately 30 days prior to the expiration of the identification card.
- (b) The Personnel and Training Unit will mail/email the Cypress Police Department Retiree Qualification form to the retiree.
- (c) The retiree will meet the requirements of the qualification course as referenced in this section.
- (d) The Cypress Police Department Retiree Qualification form will be completed by the retiree and the range master who facilitated the qualification.
- (e) The retiree will return the completed form to the Personnel and Training Unit.
- (f) Upon receipt of the completed Cypress Police Department Retiree Qualification form, the Personnel and Training Unit will mail the retiree an updated identification card.
- (g) Upon receipt of his/her new card, the retiree will mail back the expired card to the Personnel and Training Unit.
- (h) Only be authorized to carry a concealed firearm approved by the Department, consistent with the Firearms Policy, and inspected for safety and operability by the range master who facilitated the qualification.
 - 1. The specifications for an acceptable firearm as noted in the Firearms Policy will be attached to the Cypress Police Department Retiree Qualification form.

Retiree Concealed Firearms

Failure to qualify shall be considered reason for revoking the CCW privilege.

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).
 - 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).

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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.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

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

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300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 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 promptly report these observations to a supervisor as soon as feasible (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 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.

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

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- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative

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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)). 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.

300.3.6 RESTRICTIONS ON THE USE OF A CAROTID RESTRAINT OR CHOKE HOLD

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

300.4 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 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).

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300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DISPLAYING OF FIREARMS

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

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.

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- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.6 MEDICAL CONSIDERATION

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

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

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (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 away if appropriate.

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300.7 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

300.8 TRAINING

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

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Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.9 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

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

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

Use of Force Review Boards

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

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

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

302.4.1 COMPOSITION OF THE BOARD

The Support Services Division Commander should select a five-member Review Board. Individual members may be selected from the following list as appropriate:

- A supervisor from each division
- Training Sergeant

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- Department instructor for the type of weapon, device or technique used or other law enforcement professional as needed/deemed appropriate.

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

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

After the review has concluded, the board shall make one of the following recommended findings:

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

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

Upon completion, the chairperson will submit written findings in a report that should be forwarded through the chain of command to the respective employee's division commander. The division commander may make a recommendation for discipline if warranted. Once received, the Chief

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of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

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

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

Handcuffing and Restraints

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

The Cypress 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.

305.3 USE OF RESTRAINTS

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

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

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

305.3.1 RESTRAINT OF DETAINEES

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

305.3.2 RESTRAINT OF PREGNANT PERSONS

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

Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates. No person who is in labor, delivery, or

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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, officers, or others (Penal Code § 3407; Penal Code § 6030).

305.3.3 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.

305.3.4 NOTIFICATIONS

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

305.4 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.

305.5 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.

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

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

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

305.6 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.

305.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

305.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

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- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

305.7.2 AUTHORIZED RESTRAINT

The RIPP Hobble (manufactured by RIPP Restraints, Inc., Orange City, Florida) and the EZ Leg Control Belt (manufactured by E.M.E. Enterprises L.L.C. in Orange, California) are the only restraints authorized by this department. Officers shall only use the RIPP Hobble or EZ Leg Control Belt supplied by the Department. Only those officers trained in the use of the restraints are authorized to employ them on any person.

305.8 REQUIRED DOCUMENTATION

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

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

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

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

Handcuffing and Restraints

305.9 TRAINING

Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

307.1 PURPOSE AND SCOPE

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

307.2 POLICY

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

307.2.1 AUTHORIZED BATONS

The following batons have been approved for on-duty use by members of this department:

- (a) The 26" Armament Systems and Procedures Inc. (ASP) baton.
- (b) Any straight-stick style baton with the following dimensions:
 - 1. 26" in length.
 - 2. One and one-quarter inch in diameter.
 - 3. Weight between 15 and 24 ounces.
 - 4. Black or natural wood in color.

All officers working in uniform and in the field shall carry either straight stick baton or ASP on their Sam Browne belt at all times. An employee may elect to carry both the baton and ASP at the same time.

307.3 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.

307.4 RESPONSIBILITIES

Control Devices and Techniques

307.4.1 WATCH COMMANDER RESPONSIBILITIES

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

307.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster 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 Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

307.4.3 USER RESPONSIBILITIES

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

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

307.4.4 DEVICE MALFUNCTION

If a control device was deployed and failed to operate as designed or caused significant physical injury, the officer who used the device shall present it to his/her supervisor for inspection. The supervisor shall determine if the control device needs to be further inspected by a qualified armorer or retained as evidence.

307.5 BATON GUIDELINES

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

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

307.6 TEAR GAS GUIDELINES

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

Control Devices and Techniques

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

307.7 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.

307.7.1 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.

307.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

307.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has 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.

307.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

307.9.1 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.

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (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.

307.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

The most effective shot placement is to the extremities, lower abdomen, buttocks and hips. These areas carry a low risk of serious injury. As the distance increases, velocity and accuracy decrease. At greater distances, shot placement should be to the upper torso or center of mass.

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Ten feet is the manufacturer's minimum recommended distance for bean bag application to prevent death or serious physical injury. At distances greater than 45 feet, accuracy of the beanbag munitions decreases significantly, thereby increasing the chances of striking the head or throat area.

307.9.3 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. A grey painted shotgun, designated for the use of less lethal 12-gauge projectiles, will normally be carried in the trunk of each patrol unit.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is unloaded and in proper working order and the projectiles are of the approved type and appear to be free from defects. The shotgun shall have six approved less lethal projectiles stored in a side saddle secured to the shotgun.

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

Absent compelling circumstances, officers 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 only loaded with kinetic energy projectiles.

307.9.4 APPROVED KINETIC ENERGY PROJECTILES AND SHOTGUNS

Only department-approved kinetic energy munitions shall be carried and deployed. The approved 12-gauge less lethal munitions for patrol use is Combined Tactical Systems Model #2581 Super Sock. It is a 2-3/4" standard clear plastic 12-gauge shot shell, with a 40-gram (approximately) lead shot payload, sewn into a fabric sock. The second is the 37mm Sage SL6 multi-round rubber baton launcher.

Shotguns designated for the use of kinetic energy projectiles will be specially marked as such. Officers carrying these shotguns will inspect the shotgun at the beginning of each shift to ensure that it is unloaded and in proper working order. The shotgun shall have six approved less lethal projectiles stored in a side saddle secured to the shotgun.

307.10 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.

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- (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.

307.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

TASER Device

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

308.2 POLICY

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

308.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

Dropdown holsters are not authorized for use when carrying the TASER, except by a member of SWAT during SWAT operations or an officer assigned to a special assignment that has permission by his/her direct supervisor

When carried while in uniform officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

308.4 VERBAL AND VISUAL WARNINGS

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

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

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

Prior to deploying less lethal force, the operator should make an announcement to officer(s) on scene. In a loud voice, the operator should provide a warning indicating TASER device is being deployed.

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

308.5 USE OF THE TASER DEVICE

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

308.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

308.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.

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

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

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

308.5.3 TARGETING CONSIDERATIONS

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

308.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, 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.
- (d) Any repeated application of the TASER device must be justified and articulable.

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- (e) Once the subject is restrained or has complied, the TASER device should not be activated.
 - 1. In extreme cases where additional TASER device deployments are necessary to prevent injury to officers and/or the subject, the need for any such use shall be clearly articulated in the officer's report and the supervisor's use of force report.

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

308.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges.

Photographs should be taken of the area affected by the discharged probes or of any points where the discharged device made direct contact with the subject's skin. Photographs should also be taken of any other subsequent injuries that were a direct result of the application of a TASER device. Such photographs should be booked into evidence.

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

The supervisor shall download the on-board TASER device memory through the data port, and it shall be saved on the computer in the Watch Commander's office with the related arrest/crime report. A printout of the deployment data shall be submitted with the DR and a copy should accompany the supervisor's Use of Force report.

308.5.6 DANGEROUS ANIMALS

The TASER device 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.

308.5.7 OFF-DUTY CONSIDERATIONS

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

Officers shall ensure that TASER devices 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.

308.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

308.6.1 REPORT OF USE

Items that shall be included in the TASER device report form are:

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- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.
- (m) The number of post-deployment photos taken.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

Unintentional discharges of a TASER device cartridge will also be documented in a memorandum.

308.6.2 REPORTS

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

- (a) Identification of all personnel firing TASER devices
- (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

308.7 MEDICAL TREATMENT

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

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All persons who have been struck by TASER device 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 practicable, 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 device 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. Despite the subject's refusal, they will still receive medical treatment due to their "in-custody" status.

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

Patrol officer's responsibilities:

- (a) Special care should be followed to inspect for any secondary injuries related to the incident.
- (b) Make notification to a supervisor whenever a TASER device has been used.
- (c) Officers should inspect the probes after removal to ensure that the entire probe and probe barb has been removed. In the event that a probe or probe barb has broken off, the subject should be provided with the appropriate medical attention to facilitate the removal of the object.
- (d) Medical treatment should not be refused to a subject requesting it.

308.8 MAINTENANCE

The X26 Advanced Tasers are battery-powered. Factory-supplied batteries are the only batteries authorized for use in the X26 Taser. The extra digital power magazine (XDPM) will be supplied to all officers. Officers may carry the digital power magazine (DPM); however, it must be purchased at their own expense.

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308.9 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated and should ensure that the subject has received proper medical treatment.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device to determine if the use of force is within department guidelines and the incident is properly documented in the officer's reports. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed. Photographs should also be taken of any other subsequent injuries that were a direct result of the application of the TASER device.

The supervisor should make notification to their respective division commander if serious bodily injury resulted from the use of the TASER device, or if other circumstances dictate. The supervisor shall also complete a use of force memo to the division commander describing the deployment and the supervisor's determination of whether or not the use of force was within policy.

308.10 TRAINING

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

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for TASER devices will be documented in the officer's training file.

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

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

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

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

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- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

Officer-Involved Shootings and Deaths

309.1 PURPOSE AND SCOPE

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

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

309.2 POLICY

The policy of the Cypress Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

309.3 TYPES OF INVESTIGATIONS

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

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

309.4 CONTROL OF INVESTIGATIONS

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

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

309.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

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309.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

309.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

309.4.4 INVESTIGATION RESPONSIBILITY MATRIX

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

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
CYPD Officer in This Jurisdiction	CYPD Investigators	O.C. District Attorney's Office	CYPD Civil Liability Team	CYPD Investigations Division Commander
Allied Agency's Officer in This Jurisdiction	CYPD Investigators	O.C. District Attorney's Office	Involved Officer's Department	Involved Officer's Department
CYPD Officer in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	CYPD Civil Liability Team	CYPD Investigations Division Commander

309.5 INVESTIGATION PROCESS

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

309.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved CYPD officer will assume these responsibilities until relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.

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- (f) Brief the supervisor upon arrival.

309.5.2 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by another supervisor or a Division Commander.

All media inquiries about the incident shall be directed to the PIO. All other inquiries about the incident shall be directed to a Division Commander or designee.

309.5.3 NOTIFICATIONS

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

- Chief of Police
- Support Services Division Commander
- Operations Division Commander
- Orange County Chiefs of Police and Sheriffs Association Protocol #105 rollout team
- Outside agency investigator (if appropriate)
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

309.5.4 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any CYPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Operations Division Commander and WestComm. If feasible, sensitive information should be communicated over secure networks.
 - (d) Take command of and secure the incident scene with additional CYPD members until properly relieved by another supervisor or other assigned personnel or investigator.
 - (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved CYPD officer should be given an administrative order not to discuss the incident with other involved officers or CYPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

309.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved CYPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-CYPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved CYPD officer. A licensed psychotherapist may also be provided to any other affected CYPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are

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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 involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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

309.6 CRIMINAL INVESTIGATION

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

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

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

- (a) CYPD supervisors and any internal affairs personnel should not participate directly in any voluntary interview of CYPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

309.6.1 REPORTS BY INVOLVED CYPD OFFICERS

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

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

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

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

309.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to 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 a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

309.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations Bureau supervisor to assign appropriate investigative

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personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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

309.7 ADMINISTRATIVE INVESTIGATION

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

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

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

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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)).
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 Support Services Division Commander shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

309.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

309.9 DIVISION COMMANDER RESPONSIBILITY FOR OFFICER-INVOLVED SHOOTING(S) OR INCIDENTS INVOLVING A USE OF FORCE WHERE ANY PERSON IS KILLED OR GRAVELY WOUNDED

- (a) The officer's division commander shall ensure that a meeting is arranged, within five days following the incident, with a departmentally-designated psychotherapist for all personnel directly involved in the incident. The employee(s) shall be required to attend the meeting.

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- (b) These same personnel shall be temporarily removed from field duties and assigned at the discretion of the Chief of Police or his/her designee, as follows:
 - 1. Interior post position.
 - 2. Inactive duty at home or other designated place.
- (c) The personnel shall remain as assigned above until released for duty by the psychotherapist.

309.10 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

309.11 DEBRIEFING

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

309.11.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and internal affairs personnel.

309.11.2 TACTICAL DEBRIEFING

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

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309.12 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Support Services Division Commander and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved CYPD officer to visits by the media (Government Code § 3303(e)). No involved CYPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

309.13 REPORTING

If the death of an individual occurs in the Cypress Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

Firearms

311.1 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 a firearm 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.

311.2 POLICY

The Cypress 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, in good working order and that relevant training is provided as resources allow.

No firearms will be carried that have not been thoroughly inspected by a Rangemaster during a regular scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who had not qualified with that weapon at an authorized department range.

311.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

311.3.1 HANDGUNS

The authorized department-issued handgun is the Glock 17 9mm.

All on-duty officers shall carry a firearm on their person during the performance of their duties, unless granted a deviation by the Chief of Police, or while working in an undercover capacity or other capacity which makes carrying a weapon impractical or unsafe. Any officer, who is working an assignment that requires concealability, or when a determination is made by the Chief of Police that an officer is unable to properly carry or control a full-size Heckler & Koch , may be issued

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a compact Heckler & Koch 45 by the Personnel and Training Unit in lieu of being issued a full-size weapon.

311.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 12-gauge Police model.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

311.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-153. Only 20- and 30-round magazines are authorized for carry. The following additional rifles are approved for trained personnel:

MAKE	MODEL	CALIBER
H&K	416	.223
DPMS	AR-10	.308

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position (selector lever cannot be in the safe position with the hammer released). When deployed in an unmarked vehicle, the rifle should be placed in a locked trunk with the rifle secured in the department-issued rifle case or the weapons rack.

At the end of watch, officers shall store a department-issued a patrol rifle in the officer's individual department locker when not in use. These rifles will not be stored or transported in any non-departmental vehicle unless the officer is en route to the range or other department-approved course of instruction.

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SWAT Team members who are trained may carry AR-15 rifles or similar with fully-automatic capabilities.

311.3.4 PERSONALLY OWNED FIREARMS

Members of this department may elect to carry an alternative firearm in lieu of the department-issued Heckler & Koch 45. The alternate firearm may be in 9mm, .40 or .45 caliber, double/single action, or safe action and manufactured by any of the following manufacturers: Beretta, FNH, Glock, Heckler & Koch, Ruger, Sig Sauer, Smith & Wesson, Springfield Armory, or Walther. Officers may also select a single action 1911-style firearm including, but not limited to those manufactured by Colt, Kimber, Springfield Armory, PARA, or Wilson Combat. Other weapons may be considered at the discretion of the Chief of Police after consulting with department range staff.

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee by submitting a Weapons Authorization form through the Personnel and Training Unit.

Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) Members of this department may carry an approved alternative firearm in the 9mm, .40 or .45 calibers for assignments while on-duty or off-duty if they comply with the following requirements:
 1. The firearm shall be purchased and maintained at the officer's own expense. All repairs shall be completed by a manufacturer-approved armorer.
 2. Duty ammunition must comply with the Ammunition section of this policy.
 3. The firearm, holster, magazines, magazine pouch and any necessary accessories shall be purchased at the officer's own expense and must be approved by the Chief of Police or designee.
 4. The weapon must be registered to a member of this department through the California Department of Justice.
 5. Officers who elect to carry an alternative firearm other than the department-issued Heckler & Koch must return their issued Heckler & Koch 45 to Personnel and Training Unit, so it may be returned to inventory for subsequent reissue.
 6. Any officer who carries a personally-owned handgun for on-duty purposes as permitted by this policy, as a condition of carrying the weapon, expressly agrees to surrender the weapon to any supervisor for the purpose of conducting an investigation or inspection.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter 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 qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

311.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) Only one secondary firearm may be carried at a time.
- (b) The handgun shall be in good working order and on the department list of approved firearms.
 1. Revolvers - Caliber: .38 Special, .357 Magnum (with .38 ammunition). Barrel: 2 inch minimum, 4 inch maximum. Brand: Colt, Ruger, Smith & Wesson.
 2. Semi-automatics - Action: double-action only, double/single action, or safe action. Caliber: .380 ACP, 9mm, .40 S&W, .45 ACP. Barrel: 2 inch minimum, 5 inch maximum. Brand: Beretta, Colt, FNH, Glock, Heckler & Koch, Kahr, PARA, Ruger, Sig Sauer, Springfield Armory, Smith & Wesson, or Walther.
 3. Single-action 1911-style - As approved by the Chief of Police or designee.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the 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 Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) As a condition of carrying the secondary handgun, the member expressly agrees to surrender the handgun to the Chief of Police or designee for the purposes of conducting an investigation.
- (g) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (h) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (i) Members shall complete a Weapons Authorization form and turn it in to the Personnel and Training Unit.

311.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

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- (a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried and thereafter once every six months. The range qualification dates will be specified by the Rangemaster.
- (f) A Weapons Authorization form shall be completed for each off-duty weapon.
- (g) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (h) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (i) Members shall only carry department-authorized ammunition.
- (j) When armed, officers shall carry their badges and Cypress Police Department identification cards under circumstances requiring possession of such identification.
- (k) The sworn officer expressly agrees to surrender the weapon to the Chief of Police or designee for the purposes of conducting an investigation or inspection.

311.3.7 AMMUNITION

Officers shall carry only department-approved ammunition for both on-duty and off-duty authorized firearms.

- (a) Handgun duty ammunition:
 - 1. 9mm caliber, 147 grain, Winchester Ranger jacketed hollow point
 - 2. .40 caliber, 165 grain, Speer Gold Dot jacketed hollow point
 - 3. .45 caliber 230 grain Speer Gold Dot jacketed hollow point
- (b) Off-duty and back-up ammunition:
 - 1. All off-duty and back-up ammunition shall be endorsed by department range staff and approved by the Chief of Police or his/her designee.

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2. Authorized off-duty and back-up ammunition includes Winchester SXT, Federal Hydra-Shock.
3. Magnum, armor piercing, reloads or fragmentation ammunition of any caliber is prohibited.

The only ammunition authorized for use in the shotgun is the Winchester Ranger Lo-recoil, 12-gauge, 2 3/4 inch, rifled slug shot shell (white plastic).

The only duty ammunition authorized for use in patrol rifles is Winchester .223 Remington match-grade, 69 grain, boat-tail hollow point. The only training ammunition approved for the patrol rifles will be provided by the Department. No other ammunition is authorized for use without the prior approval of the Chief of Police or designee.

311.3.8 PERSONALLY OWNED PATROL RIFLES

Authorized sworn members of this department may elect to carry a personally-owned AR-15 style rifle in lieu of the departmentally-issued AR-15 firearm.

The AR-15 style rifle shall be of a semi-automatic configuration and shall be chambered to fire only 5.56mm NATO or .223 Remington caliber ammunition. The rifle must have a barrel length of at least 16 inches and a retractable stock (to fit in the unit weapons rack). The weapon must accept standard M-16A1/AR-15 5.56mm/.223 box magazines. Rifles shall be manufactured to acceptable industry standards (i.e., U.S. Dept. of Defense Military Specifications MIL-R-63997B(AR)), and approved by the Chief of Police or designee. The rifles must possess either fixed (e.g., iron) sights or an optical-type sight approved by a department AR-15 Armorer and/or Rangemaster.

Members of this department may carry the approved alternative AR-15 if they comply with the following requirements:

- (a) The firearm shall be purchased and maintained at the officer's own expense. Any repairs or modifications to the officer's personally-owned weapon shall be done at his/her own expense and must be approved by the Rangemaster or a department AR-15 Armorer.
- (b) The firearm, magazines, and any necessary accessories shall be purchased at the officer's own expense and must be approved by the Chief of Police or designee. Only 20- and 30-round magazines are authorized for carry.
- (c) The weapon must be a registered assault weapon to a member of this department through the Department of Justice.
- (d) Duty ammunition must comply with the Ammunition subsection of this Policy.
- (e) Any officer who carries a personally-owned AR-15 style rifle for on-duty purposes as permitted by this Policy, as a condition of carrying the weapon, expressly agrees to surrender the weapon to any supervisor for the purposes of conducting an investigation or inspection.
- (f) The rifle deployment and carry shall comply with the Patrol Rifles subsection of this Policy.

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- (g) The personally-owned AR-15 style rifle shall be secured in the officer's individual department locker when not in use.
- (h) Any officer who elects to use a personally owned patrol rifle shall complete a Weapons Authorization form requesting such usage and shall turn that form into the Personnel and Training Sergeant. He/she shall then submit the weapon to a Rangemaster or AR-15 Armorer for inspection.

No firearms will be carried on-duty that have not been thoroughly inspected by the Rangemaster or AR-15 Armorer during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no shoulder-fired weapon shall be carried by a member who has not qualified with that weapon at an authorized department range.

At the end of watch, officers shall store a personally-owned patrol rifle in the officer's individual department locker when at the Department and not in use.

311.3.9 PERSONALLY OWNED RIFLES AFTER SEPARATION FROM EMPLOYMENT

If any employee separates employment from the Cypress Police Department, whether by retirement, resignation, or termination, their personally owned patrol rifle shall be made compliant with California law in order to allow for their continued possession of the rifle. This compliance shall be confirmed by the department Rangemaster prior to the employee's separation. Should the separated employee elect not to keep their personally owned patrol rifle, it can be surrendered to the Department for destruction or appropriation. If an employee is employed by another law enforcement agency, he/she will need to obtain approval from the new agency in order to retain the personally owned patrol rifle.

311.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

311.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

311.4.2 HOLSTERS

- (a) The department-issued holster is a Safariland, mid-ride, Level II retention holster, Model # 6280-393, which is approved for patrol use and will be provided with the department-issued handgun. Officers may elect to carry a different holster, provided it contains a secondary retention mechanism in addition to a strap (e.g., a retention screw) and is a mid-ride or low-ride holster. An alternate holster will be purchased

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at the officer's expense. Officers electing to carry an alternate approved weapon will purchase the holster at their own expense.

1. Except for SWAT and K-9 officers, no drop-down thigh holsters are allowed for uniform personnel.
 2. "Clam shell" holsters are not authorized.
- (b) Officers who elect to wear nylon gear are required to purchase and maintain the holster at their own expense. The department-approved nylon holster is the Safariland mid-ride level II retention holster (Safariland Model 6280 SLS Mid Ride "Nylock" holster or Safariland 6285LS Low ride "Nylock" holster). Officers may elect to carry a different holster, provided it contains a secondary retention mechanism and is a mid-ride or low-ride holster.
- (c) Detectives, administrative assignments, and plain clothes officers may wear a paddle or belt holster, provided it is black in color, has a safety strap over the hammer designed to keep the weapon secure in the holster, or an alternative locking mechanism. Friction only holsters are not allowed.
- (d) Officers assigned as police service dog handlers have the option of purchasing at their own expense the Safariland Model 6004-932 drop-down thigh holster. No other tactical tools (e.g., OC spray, baton) will be worn on the thigh shroud.
- (e) Shoulder holsters are not permitted.

311.4.3 TACTICAL LIGHTS

- (a) Officers, at their own expense, may elect to purchase an alternative tactical pistol light and holster. The tactical pistol light must be inspected and approved by the Rangemaster prior to use. This approval shall be documented on a Weapons Authorization Form listing the respective weapon with the specifics of the tactical pistol light.
- (b) Officers opting to purchase a tactical pistol light and holster shall first undergo and pass orientation training with the Rangemaster. No tactical pistol light will be deployed in the field until an officer has been approved to do so by the Rangemaster. The Chief of Police may rescind an officer's approval to carry the tactical pistol light at any time and without cause.
- (c) Officers deploying the tactical pistol light will be required to keep the light attached to their duty weapon unless they are using their duty weapon in an off-duty or plain-clothes capacity.
- (d) Officers deploying the tactical pistol light shall qualify with the light attached to their duty weapon. Officers may only revert to carrying their duty weapon on duty without the light after receiving approval from the rangemaster or supervisor. Where a tactical pistol light has been damaged, an officer may revert to uniform carriage of the issue weapon after approval by the rangemaster or supervisor.

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- (e) Tactical pistol lights will be presented for annual inspection as directed by the Rangemaster or supervisor.
- (f) Officers will be responsible for care and maintenance of their tactical pistol light and holster. This includes battery and bulb replacement. Repair of lights damaged on duty will be the responsibility of the deploying officer.
- (g) Officers will not use their tactical pistol light as a secondary or back-up utility flashlight unless the circumstances are of an urgent or life threatening nature. Such use must be reported to a supervisor.
- (h) Officers will have annual refresher training on the tactical pistol light with the Rangemaster.

311.4.4 OPTICS

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

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

311.4.5 STOCKS OR GRIPS

- (a) Heckler & Koch (H&K) 45 LEM, standard and compact:
 - 1. Factory authorized only.
 - 2. Hogue Handall Universal Grip Sleeve may be installed over factory-authorized grips if done in accordance with (c) and (d) below.
- (b) Other authorized grips for back-up, alternate on-duty, and off-duty weapons only:
 - 1. Full checkered wood.
 - 2. Combat carved wood.
 - 3. Black rubber or plastic.
 - 4. Others as approved by the Chief of Police or his/her designee.
- (c) An officer who desires to install other than the factory authorized stocks/grips shall first prepare a written request to the Chief of Police. If approved for installation, the Chief of Police shall forward the request to the Rangemaster.
- (d) In any case where other authorized stocks/grips are approved for use, the officer shall have the department Rangemaster examine them as installed upon the weapon. The officer shall also qualify on the range with the approved stocks/grips prior to duty use. The Rangemaster shall note qualification in the officer's training file.

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311.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) A patrol rifle or shotgun shall only be charged (round placed in the chamber) when deployed pursuant to this policy or during department-approved training.
- (c) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except under Rangemaster supervision.
- (d) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (e) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (f) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (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- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

311.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done in the clearing barrels.

Firearms may be safely stored in lockers or another approved location at the end of the shift.

Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner in a clearing barrel and then stored in the appropriate equipment storage room.

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311.5.2 STORAGE AT HOME

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. 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 § 25100).

311.5.3 ALCOHOL AND DRUGS

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

Off-duty incidents involving firearms and the use of alcoholic beverages and/or drugs can result in blood and/or breath tests from the employee for administrative investigations.

At times, special details within the Department will be assigned duties where the consumption of alcoholic beverages may be necessary. Officers consuming alcoholic beverages shall not carry a firearm unless the respective division commander has previously approved it. When an officer is armed and consuming alcoholic beverages, the officer should remain aware of the potential issues that can arise from such consumption and the affects of alcohol on their senses and judgment. In all instances when an assigned officer is consuming alcoholic beverages, there shall be coverage by an officer, who has not consumed and is not consuming any alcoholic beverages. The covering officer should be located in a position where they can respond to an emergency in a timely manner.

311.6 FIREARMS TRAINING AND QUALIFICATIONS

Eligible sworn personnel carrying the department-issued or authorized alternate handgun shall successfully complete an instructional course approved by the Chief of Police or designee to demonstrate his/her proficiency in the use and safe handling of the weapon. Additionally, personnel electing to carry an authorized alternate single-action 1911-style firearm must show documented proof of recognized training (minimum of eight hours) with that style of firearm in the last three years. Recognized training includes shooting courses approved by CA POST, NRA Law Enforcement Division or the FBI. Upon approval by the range staff, courses from recognized firearm trainers or schools may satisfy this requirement.

Monthly qualification courses will consist of a training session, which is not scored, and a proficiency qualification. To demonstrate proficiency, scoring will be pass/fail. All sworn and reserve police officers will demonstrate proficiency at least once every two months with their on-duty weapon(s). All sworn and reserve police officers shall shoot and demonstrate proficiency annually with their off-duty weapon. All members shall purchase ammunition other than department-issued calibers at their expense. Training and qualifications must be on an approved range course. The prescribed firearms proficiency course shall consist of pistol, shotgun and rifle courses, which are approved by the department Rangemaster.

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At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Any member carrying a patrol rifle will be trained and may be required to field strip and clean an assigned patrol rifle as needed.

Civilian members assigned to handle patrol rifles or shotguns must complete an initial shoulder-fired weapons handling course and be re-evaluated on a quarterly basis.

311.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

In the event a member fails to demonstrate proficiency with the weapon(s) he/she carries on and off-duty, permission to carry the weapon shall be automatically revoked until such time that the proficiency standards are met. Failure to demonstrate proficiency may lead to relief from duty assignments and disciplinary action.

Retired officers, who have been endorsed to carry a concealed weapon by this department and are HR 218 certified, shall be required to complete a basic, non-tactical qualification course every 12 months. Failure to meet this requirement will result in a loss of the CCW endorsement.

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 should notify his/her immediate supervisor prior to the end of the required training or qualification period.

311.6.2 PROFICIENCY TRAINING EXEMPTION

Exemption to the bi-monthly firearms proficiency training may be granted solely by the Chief of Police upon written request. Generally, exemptions will not be granted until a member is off-duty for more than 90 days due to "disability."

- (a) A pregnant officer who continues to work may be exempt from the firearms proficiency training upon written notification of pregnancy by a doctor and a written request from exemption by the officer.
- (b) Prior to return to duty or within 30 days of conclusion of the pregnancy or other "disability," any officer granted an exemption shall successfully complete a firearms proficiency course.

311.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

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- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

311.7.1 DESTRUCTION OF ANIMALS

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

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

311.7.2 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

311.7.3 INJURED ANIMALS

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

311.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The inspections should be documented. The Rangemaster has the authority to deem any department-issued or

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personally owned firearm unfit for service. An "out of service" label will be used when appropriate. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

311.9 DEPARTMENT RANGE

The Police Department range facility is designed to ensure that Cypress police officers receive the highest level of firearms training available in a safe, clean and professional environment.

- (a) Only sworn and reserve Cypress police officers shall shoot any weapon in the firearms range. Exceptions may be made with authorization from the Chief of Police.
- (b) Only department-approved firearms and ammunition may be used in the range facility, unless authorized by the Rangemaster.
- (c) Safety issues and rules related to the safe operation of the range are critically important. All officers are to strictly adhere to the posted "range rules" and instructions from the Rangemaster.
- (d) In addition to monthly training and qualification sessions, officers may improve their shooting skills during "open" shoot sessions. A minimum of two officers must be present inside the range facility during any live-fire practice. All live-fire practice during these "open" shoot sessions must be conducted behind the firing line.
- (e) A sign-in log will be completed by anyone firing a weapon inside the range.
- (f) Officers are individually responsible to ensure that the range is cleaned at the conclusion of each shooting session. Expended shell casings will be recovered, used targets will be replaced, the floor will be swept of debris, and weapon-cleaning materials will be returned to storage compartments.

Only those targets approved and provided by the Rangemaster may be utilized. Intentional shooting at ceiling, sidewalls, and flooring will cause damage and possible injury and is strictly prohibited.

311.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Cypress Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also

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carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

- (c) The Cypress Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Cypress Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

311.11 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Cypress Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property,

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or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active sworn peace officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

313.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

313.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized police department emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

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

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

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

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

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

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

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

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

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

313.2 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

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§ 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

313.2.1 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.

313.2.2 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.

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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.

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.

313.2.3 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 should 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 should 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.

313.3 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 three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

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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.

313.3.1 MOTORCYCLE OFFICERS

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

313.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

313.3.3 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.

313.3.4 SECONDARY UNIT RESPONSIBILITIES

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

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- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

313.3.5 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.

313.3.6 PURSUIT TRAILING

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

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313.3.7 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

313.3.8 UNITS NOT INVOLVED IN THE PURSUIT

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

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

313.4 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.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.

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- (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 Cypress 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.

313.4.1 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.

313.5 WESTCOMM

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.

313.5.1 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.

313.6 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.

313.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Cypress Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be

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construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

313.6.2 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 Cypress 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.

313.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

313.7.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed by officers/supervisors who have received certified departmental training and 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

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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.

313.7.2 USE OF FIREARMS

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

313.7.3 INTERVENTION STANDARDS

Any 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 should only be used after giving consideration to the following:
 - 1. The technique should only be used by officers who have received training in the technique.
 - 2. 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.
 - 3. It reasonably appears the technique will contain or prevent the pursuit.
- (b) The PIT should only be used after giving consideration to the following:
 - 1. The technique should only be used by officers who have received training in the technique, including speed restrictions.
 - 2. Supervisory approval should be obtained before using the technique.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
 - 1. Supervisory approval should be obtained before using the technique.

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2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 3. It reasonably appears the technique will terminate or prevent the pursuit.
 4. Ramming may be used only under circumstances when deadly force would be authorized.
 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
1. The technique should only be used by officers who have received training in the technique.
 2. Supervisory approval should be obtained before using the technique.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices should only be used after considering the following:
1. Tire deflation devices should only be used by officers who have received training in their use.
 2. Supervisory approval should be obtained before using tire deflation devices.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the use will terminate or prevent the pursuit.
 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
1. Roadblocks should only be used by officers who have received training in their use.
 2. Supervisory approval should be obtained before using the technique.
 3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

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4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

313.7.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspects.

313.8 REPORTING REQUIREMENTS

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

- (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).

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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.

313.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

The 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, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

313.8.2 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

313.9 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.

313.10 POLICY

It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

Officer Response to Calls

315.1 PURPOSE AND SCOPE

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

315.2 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. The decision to continue a Code 3 response is at the discretion of the officer.

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. The Watch Commander and field supervisors should be continually monitoring the radio and have the discretion to cancel any Code 3 assignments.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required (refer to § 316.4 - Officer-Initiated Code 3 Response). Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

315.3 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 WestComm.

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

315.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

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Officer Response to Calls

315.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall notify WestComm as soon as practical. Generally, only one unit should respond Code-3 to any situation. All available units are authorized "Code-3" response to an "officer needs assistance" call (e.g., radio calls 997, 998, 999).

The officer should base the discretionary Code-3 response on the following criteria:

- (a) Type of call.
- (b) Safety of the public and responding officers.
- (c) Vehicle and pedestrian traffic in the area.
- (d) Weather conditions.
- (e) Road conditions.
- (f) The location of other responding officers.

The Watch Commander and field supervisors should be continually monitoring the radio and have the discretion to cancel any Code-3 assignments.

Should another officer believe a Code-3 response is appropriate, WestComm shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

315.5 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 WestComm. 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.

315.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.

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Officer Response to Calls

- (c) Affected outside jurisdictions are being notified as practical.

The field supervisor or Watch Commander shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- Seriousness of the known or suspected crime or incident, and its relationship to community and/or officer safety.
- Safety of the public in the path of the responding Code 3 vehicle(s), including the type of area, time of day, weather, and the amount of vehicle and pedestrian traffic.
- Traffic and roadway conditions.
- Performance of the vehicle(s) responding Code 3, the driving ability of the involved officer(s), the presence of passengers in the involved police unit(s), quality of communications between responding units, and the availability of other resources to more quickly respond to the scene.
- This list is not exhaustive and it is recognized that there are situations where Code 3 response is authorized but that are not listed in this policy.

315.7 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 WestComm of the equipment failure so that another unit may be assigned to the emergency response.

Canines

317.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

317.2 POLICY

It is the policy of the Cypress Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

317.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

317.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Division or the authorized designee.

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

- (a) Reviewing all canine 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 canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
- (i) Conduct administrative investigations.

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- (j) Maintain liaison with the animal control department to ensure that information regarding PSD bites is not retained by their office. PSDs used by law enforcement agencies are exempt from impoundment and reporting requirements to the animal control department (Food and Agriculture Code 31609(b)).

317.5 REQUESTS FOR CANINE TEAMS

Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the Watch Commander.

317.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

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

317.5.2 PUBLIC DEMONSTRATION

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

317.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

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It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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

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

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

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

317.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine 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 canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

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

317.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

317.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine 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.

In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered.

In all cases of bites or injury resulting in the use of a canine, after proper medical attention has been provided to the subject, digital photographs of any injuries will be taken and booked into evidence in accordance with departmental procedures.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Watch Commander or canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report. Any unintended bite or injury that requires medical attention and occurs during training shall be promptly reported to the Watch Commander or canine coordinator.

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.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and

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Safety Code § 121685). The Unit Coordinator will maintain liaison with the Orange County Animal Care to ensure that information regarding canine bites is not retained by their office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements per Food and Agriculture Code § 31609(b).

317.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

317.7.1 ARTICLE DETECTION

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

317.7.2 NARCOTICS DETECTION

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

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

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

317.7.3 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 canine team trained in explosive detection may be considered.

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When available, an explosive-detection canine 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 canine be used to render a suspected device safe or clear.

317.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) A garage that can be secured and accommodate a canine vehicle.
- (d) Living within a reasonable response time to the Cypress City limits at the discretion of the Chief of Police.
- (e) Agreeing to be assigned to the position for a minimum of three years.
- (f) Energetic, enthusiastic, tenacious performance with propensity toward detail and thoroughness.

317.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine 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 canine vehicle in a locked garage, away from public view.

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- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Cypress Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine 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 canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine 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 canine be lodged at another location unless approved by the canine coordinator or Watch Commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.
- (l) The PSD should not be transported in a vehicle without being in a secured, divided cage or portable kennel.
- (m) The PSD handler shall report, as soon as practicable, any unplanned police incidents, bites, injuries, disturbances or significant events involving a PSD, while off duty to the unit coordinator or Watch Commander.
- (n) PSD handlers shall always take special care when their PSD is off leash, unattended, in a public setting, or in the vicinity of children, so as to ensure the safety of the public and other animals.

317.9.1 CANINE IN PUBLIC AREAS

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

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

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317.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented. The canine coordinator or Watch Commander will notify the Operations Division Commander in a timely fashion.

All medical attention shall be rendered by the designated canine 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 PSD's personnel file.

All medical care will be coordinated through the canine coordinator. Any indication that a PSD is not in good physical condition shall be reported to the canine coordinator or Watch Commander as soon as practicable. All injuries related to a PSD will be documented in a PSD use report.

317.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine 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 canine 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 canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

317.11.1 CONTINUED TRAINING

Each canine 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) Canine teams should receive training as defined in the current contract with the Cypress Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator. Approval is not required for daily, weekly, monthly and SWAT training occurring on duty.
- (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.

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317.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine 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 canine handler shall be temporarily reassigned to regular patrol duties.

317.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

317.11.4 TRAINING AIDS

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

317.11.5 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 canine 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 Cypress Police Department to be possessed by the member or a narcotics-detection canine 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 Administration (DEA).

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

317.11.6 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 canine'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 canine 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.

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- (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 canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine 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 and Evidence 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.
- (i) In the event the handler is away from work for an extended period of time, regardless of reason (e.g., vacation, lengthy training assignments, leave), all controlled substance training samples shall be returned to the Property and Evidence Unit for safe keeping.

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319.1 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.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

319.2 POLICY

The Cypress 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.

319.3 OFFICER SAFETY

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

319.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

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319.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

319.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

319.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources and state victim assistance (714)975-0244.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) 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.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.
- (i) Explain legal options available to the victim including the private person's arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.

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- (j) Advise victims that they have a right to a domestic violence advocate during any future proceedings (per Penal Code 679.05 and Evidence Code 1037.1). See Section 320.5.2

319.5.1 VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE) PROGRAM

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE (800-721-8021) is printed on the Cypress Police Department Victims of Domestic Violence form.

319.5.2 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.

319.6 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.

319.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC

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§ 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).

319.8 VERIFICATION OF COURT ORDERS

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

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order 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.

319.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

319.9.1 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). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

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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)):
 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 4. Penal Code § 646.9 (stalking)
 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 2. The threats creating fear of physical injury.
 3. The history of domestic violence between the persons involved.
 4. Whether either person acted in self-defense.
- (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).

319.9.2 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

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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)(2)).
- (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 him/her 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).

319.9.3 PUBLIC ACCESS TO POLICY

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

319.9.4 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 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)(2)).

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319.9.5 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 Supervisor to maintain and report this information as required.

319.9.6 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).

319.10 VERIFICATION OF RESTRAINING ORDERS

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

- (a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession.
- (b) Whether the restraining order is still valid as to its duration and time.
- (c) Whether there is valid restraining order on file with the Department of Justice California Restraining and Protective Order System (Family Code § 6383(d)).
- (d) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made.
- (e) The terms of the restraining order. In the event the suspect is no longer at the scene, officers shall document the incident for follow-up investigation.

319.10.1 ENFORCEMENT PROCEDURES

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

- (a) The existence of the order and proof of service to the subject has been verified by the officer.
- (b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service to the subject.

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- (c) The officer has verified the existence of the order and the order reflects that the subject was present in court when the order was made which removes the proof of service requirement.
- (d) The existence of the order has been verified and there is proof that an officer has previously informed the subject of its terms.

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

319.10.2 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.

319.10.3 WHEN ORDERS ARE NOT VERIFIABLE

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

- (a) Write a report, give the police report number to the victim.
- (b) Inform the victim of how they can contact the appropriate detective or investigation unit for further action (Penal Code § 13730(c)).

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- (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)).

319.10.4 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 § 15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
- (b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.
 1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).
 2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
 3. Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

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

319.10.5 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.

319.11 FIREARMS

Officers shall take into temporary custody any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search or other lawful search in a domestic violence incident and process it for safekeeping as authorized in Penal Code § 12028.5. In no event shall such a firearm or weapon be returned within less than 48 hours. If necessary, [officers/deputies] may also obtain a search warrant for firearms or other deadly weapons that are subject to seizure under Penal Code § 12028.5 (Penal Code § 1524(a)).

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

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No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code § 646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect.

319.11.1 RETURN OF FIREARMS

- (a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code § 12028.5(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 § 12028.5(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 § 12021.3(e).
- (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 § 12021.3(g)).

Search and Seizure

321.1 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 Cypress Police Department personnel to consider when dealing with search and seizure issues.

321.2 POLICY

It is the policy of the Cypress 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.

321.3 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
- Parole or probation with no search and seizure rights

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.

Search and Seizure

321.3.1 RESIDENCE

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

321.3.2 PLAIN VIEW

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

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location.
- (b) There is probable cause to believe that the item is linked to criminal activity.
- (c) The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

321.3.3 EXIGENT CIRCUMSTANCES

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

- (a) Imminent danger of injury or death.
- (b) Serious damage to property.
- (c) Imminent escape of a suspect.
- (d) The destruction of evidence.

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

321.4 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.

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- (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 and when the time and effort required to gain the keys makes it a practical option.
- (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.
 - 3. If practical, the search of a member of the opposite sex will be conducted in view of the MAV system.

321.5 DOCUMENTATION

When required by an arrest or when other circumstances dictate, 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

323.1 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 Cypress Police Department (34 USC § 11133).

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

323.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. 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.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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- (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).

323.2 POLICY

The Cypress 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 Cypress Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

323.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Cypress Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Cypress Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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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).

323.3.1 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).

323.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

323.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Cypress 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 Cypress Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Cypress Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

323.4.1 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 Cypress 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).

323.4.2 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

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the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

323.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Cypress Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

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

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative 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).

323.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-

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offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

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

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

323.5.1 CONTACT OF SUSPECTED JUVENILE ABUSE VICTIMS

An officer should not detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless:

- (a) Exigent circumstances exist. [It will be incumbent upon the investigating officer to articulate the basis for any exigency in related reports.] For example:
 - 1. A reasonable belief that medical issues need to be addressed immediately, or
 - 2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed, or
- (b) A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will always be incumbent upon the investigating officer to articulate in the related reports, the overall basis for the contact and what, if any, exigent circumstances exist.

323.6 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 Cypress Police Department (15 CCR 1150).
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.

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- (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.

323.7 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 Cypress 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).

323.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Cypress 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 Cypress Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Cypress Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) 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).

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- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
- (k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

323.9 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 Cypress Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

323.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Cypress 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 Cypress Police Department.

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323.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

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

When 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).

323.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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

323.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Operations Division Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Cypress Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Support Services Division Supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

323.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

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

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

323.13.1 MANDATORY RECORDINGS OF JUVENILES

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

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

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

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

323.14 FORMAL BOOKING

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

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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 Criminal Investigations 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

323.14.1 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 Criminal Investigations 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 forms shall accompany the juvenile:

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1. Application for 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.

323.14.2 CURFEW VIOLATIONS

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

323.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Cypress Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Criminal Investigations Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

323.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Cypress Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

323.17 RELIGIOUS ACCOMMODATION

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

Senior and Disability Victimization

325.1 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 Cypress Police Department members as required by law (Penal Code § 368.6).

The Cypress 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).

325.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

Department protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/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. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability

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- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

325.2 POLICY

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

325.2.1 ARREST POLICY

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

325.2.2 ADHERENCE TO POLICY

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

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

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

325.3 MANDATORY NOTIFICATION

Members of the Cypress 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 he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

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

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

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- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
 - 4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
- (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- (d) The SDSS 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 Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 - 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and

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Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

- (j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Criminal Investigations Bureau 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)).

325.3.1 NOTIFICATION PROCEDURE

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

- (a) The name of the person making the report.
- (b) The name and age of the elder or dependent adult.
- (c) The present location of the elder or dependent adult.
- (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- (e) The nature and extent of the condition of the elder or dependent adult.
- (f) The date of incident.
- (g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

325.4 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.

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- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (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.

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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)).

325.4.1 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)).

325.5 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 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).

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1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

325.6 PROTECTIVE CUSTODY

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

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

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

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

325.6.1 EMERGENCY PROTECTIVE ORDERS

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

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325.6.2 VERIFICATION OF PROTECTIVE ORDER

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

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

325.7 INTERVIEWS

325.7.1 PRELIMINARY INTERVIEWS

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

325.7.2 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.

325.8 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.

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In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

325.9 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.

325.9.1 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 Criminal Investigations Bureau supervisor so an interagency response can begin.

325.9.2 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Bureau supervisor should:

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

325.10 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

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

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325.11 JURISDICTION

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

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

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

325.12 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

327.1 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.

327.2 POLICY

The Cypress 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.

327.3 DEFINITIONS

Definitions related to this policy include:

327.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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327.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

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

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

327.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

327.3.4 RETALIATION

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

327.4 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 Manager, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

327.4.1 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 Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

327.4.2 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.

327.4.3 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 Manager, the City Manager, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

327.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

327.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

327.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

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

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Manager, or the City Manager.

327.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

327.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approve by the Chief of Police, the City Manager, or the Human Resources Manager, depending on the ranks of the involved parties.

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- (b) Maintained in accordance with the department's established records retention schedule.

327.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

The complainant will not be advised as to any discipline given to the accused employee(s).

327.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

327.7.1 STATE-REQUIRED TRAINING

The Training Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Sergeant should ensure that employees are provided the following website address to the training course: www.dfeh.ca.gov/shpt/ (Government Code § 12950; 2 CCR 11023).

327.7.2 TRAINING RECORDS

The Training Sergeant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

327.8 WORKING CONDITIONS

The Support Services Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

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327.9 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

329.1 PURPOSE AND SCOPE

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

329.1.1 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).

329.2 POLICY

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

329.3 MANDATORY NOTIFICATION

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

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

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

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

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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 his/her employment as a peace officer.

329.3.1 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.

329.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

329.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

329.5.1 EXTRA JURISDICTIONAL REPORTS

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

329.6 PROTECTIVE CUSTODY

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

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

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

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

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, 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.

329.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

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

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329.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

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

329.7 INTERVIEWS

329.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

329.7.2 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.

329.7.3 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).

329.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency

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having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

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

329.9 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.

329.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigations Bureau 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.

329.9.2 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 Criminal Investigations Bureau supervisor so an interagency response can begin.

329.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

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329.10.1 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).

329.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

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

329.10.3 CACI HEARING OFFICER

The Criminal Investigations Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

329.10.4 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

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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.

329.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

329.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

331.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

331.1.1 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).

331.2 POLICY

The Cypress 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 Cypress 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).

331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

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

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

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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

331.4 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).

331.5 INITIAL INVESTIGATION

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

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and a fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

331.6 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.

331.6.1 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 Bureau.
- (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.

331.6.2 RECORDS BUREAU 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).

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- (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.
- (d) Forward a copy of the report to the Criminal Investigations Bureau.
- (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).

331.7 CRIMINAL INVESTIGATIONS 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 Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

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- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (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 § 586).

331.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

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

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

331.8.1 UNIDENTIFIED PERSONS

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

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

331.9 CASE CLOSURE

The Criminal Investigations Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- (b) If the missing person is a resident of Cypress 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.

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- (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.

331.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

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333.1 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.

333.2 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.

333.3 RESPONSIBILITIES

333.3.1 EMPLOYEE RESPONSIBILITIES

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

333.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

333.4 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.

333.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

333.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 - 1. The child's identity, age and description
 - 2. Photograph if available
 - 3. The suspect's identity, age and description, if known
 - 4. Pertinent vehicle description
 - 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 - 1. The local FBI office
 - 2. National Center for Missing and Exploited Children (NCMEC)

333.5 BLUE ALERTS

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

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333.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

333.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

333.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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333.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

333.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

333.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Criminal Investigations Bureau 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 the 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 Public Information Officer 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.

The Cypress Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any 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 facility.

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333.8 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).

333.8.1 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.

333.8.2 PROCEDURE

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

Victim and Witness Assistance

335.1 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.

335.2 POLICY

The Cypress Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Cypress 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.

335.2.1 CRIME DEFINED

Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:

- (a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.
- (b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153.
- (c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated.
- (d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F)).

335.2.2 VICTIM INDEMNIFICATION

Law enforcement agencies are charged with the responsibility of notifying the victims of violent crimes of their right to indemnification. For the purpose of indemnification by the State of California, the definition of victim shall include the following (Government Code, §13959 et seq.):

- (a) A person who sustains injury or death as a direct result of a crime.
- (b) A person legally dependent for support upon a person who sustains injury or death as a direct result of a crime.
- (c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment.

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- (d) Any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime.

335.2.3 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that their name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293 (a) and (b)).

335.3 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 Cypress 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.

335.3.1 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 his/her 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 Cypress Police Department jurisdiction (Penal Code § 680.2).

335.4 CRIME VICTIMS

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

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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.

335.4.1 ADVISEMENT RESPONSIBILITY

Every employee reporting or investigating a crime where a victim has suffered direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a crime or delinquent act will ensure the victim has been provided with information about the existence of the local victim centers. This shall be accomplished by providing the victim the Marsy's Card with the case report number noted on the card (Penal Code § 679.026), and if applicable a copy of the Sexual Assault Survivor's Bill of Rights Card (Penal Code §680.2). A Victim of Violent Crime form should also be provided if the victim suffered an injury as a direct or proximate cause of that crime.

If for any reason the investigating employee is unable to complete the above notifications such fact shall be noted in the related case report and the notifications should be completed by the assigned detective.

The Records Supervisor is responsible for obtaining or publishing a Marsy's Card and Sexual Assault Survivor's Bill of Rights Card as described in Penal Codes § 679.026, § 680.2 and Assembly Bill 1312 and making a sufficient supply of these cards available to Cypress Police Department employees.

335.4.2 REPORTING OFFICER RESPONSIBILITY

It shall be the primary responsibility of the reporting officer to make the required advisement as set forth in Policy Manual § 336.3. The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of sexual assault victim counseling centers within the county and their 24 hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) Provide the victim with a Sexual Assault Survivor's Bill of Rights Card (Penal Code § 680.2).
- (c) If victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local sexual assault victim counseling center to be notified (Penal Code § 264.2(b)(1)).

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1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
2. A support person may be excluded from the examination by the officer or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

335.4.3 DETECTIVE RESPONSIBILITY

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

335.4.4 SUPERVISOR RESPONSIBILITY

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. The detective supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

335.4.5 RECORDS RESPONSIBILITY

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

335.4.6 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).

335.5 VICTIM INFORMATION

The Support 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.

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- (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 medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U Visa and T Visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the officer's name, badge number and any applicable case or incident number.
- (l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- (m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- (n) 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).

335.6 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

337.1 CRIMINAL STATUTES

Penal Code § 422 - Prohibits verbal, written or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family.

Penal Code § 422.6(a) - Prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat.

Penal Code § 422.6(b) - Prohibits knowingly defacing, damaging or destroying the real or personal property of any person for any of the purposes set forth in Penal Code § 422.6(a).

Penal Code § 422.7 - Provides for other criminal offenses involving threats, violence or property damage in excess of \$400 to become felonies if committed for any of the purposes set forth in Penal Code 422.6.

Penal Code § 422.56 - Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

Penal Code § 422.77 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1.

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika, noose, or burning cross).

Penal Code § 11412 - Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs.

Penal Code § 594.3 - Prohibits vandalism to religious buildings or places of worship.

Penal Code § 11413 - Prohibits use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, group facilities and other specified locations.

337.2 CIVIL STATUTES

Civil Code § 51.7 - Except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

Civil Code § 52 - Provides for civil suit by individual, Attorney General, District Attorney or City Attorney for violation of Civil Code § 51.7, including damages, Temporary Restraining Order and injunctive relief.

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Civil Code § 52.1 - Provides for Temporary Restraining Order and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.9.

337.3 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

337.4 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Cypress Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

337.4.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

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Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

Gender identity- Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
 - 1. “Association with a person or group with these actual or perceived characteristics” includes advocacy for, identification with, or being on the ground

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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 Penal Code § 422.55(a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality 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:

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- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

337.5 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

337.5.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

- (a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- (b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate

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crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

- (c) Providing direct and referral assistance to the victim and the victim's family.
- (d) Conducting public meetings on hate crime threats and violence in general.
- (e) Establishing relationships with formal community-based organizations and leaders.
- (f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- (g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
- (h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.
- (i) Coordinating with the Training Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- (j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the Department of Justice.
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.
- (m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
 - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
 - 2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

337.5.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

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- (a) Dissemination of correct information.
- (b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- (c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

337.6 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

337.6.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- (b) Stabilize the victims and request medical attention when necessary.
- (c) Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

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- (e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- (f) Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- (g) Identify criminal evidence on the victim.
- (h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- (i) Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 6254.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.
 - 6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- (j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- (k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- (m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (n) Document any suspected multi-mission extremist crimes.

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337.6.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- (a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- (c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- (d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- (e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
 5. Desecration of religious symbols, objects, or buildings.
- (f) Request the assistance of translators or interpreters when needed to establish effective communication.
- (g) Conduct a preliminary investigation and record information regarding:
 1. Identity of suspected perpetrators.
 2. Identity of witnesses, including those no longer at the scene.
 3. Offer of victim confidentiality per Government Code § 6254.
 4. Prior occurrences, in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.
 6. Document the victim's protected characteristics.
- (h) Provide victim assistance and follow-up.
- (i) Canvass the area for additional witnesses.
- (j) Examine suspect's social media activity for potential evidence of bias motivation.
- (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

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- (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- (m) Determine if the incident should be classified as a hate crime.
- (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 - 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 - 2. Provide ongoing information to victims about the status of the criminal investigation.
 - 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- (o) Document any suspected multi-mission extremist crimes.
- (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

337.6.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 - 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 - 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 - 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

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- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- (g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- (h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- (i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

337.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

337.8 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

Standards of Conduct

339.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Cypress 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.

339.2 POLICY

The continued employment or appointment of every member of the Cypress 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.

339.2.1 DISCIPLINARY STANDARD

- (a) Any employee of the Police Department (including part-time employees and reserves) may be disciplined whenever the employee's job performance or job-related misconduct so warrants.
- (b) The "just cause" for such disciplinary action shall include, but is not limited to, incompetence, commission of a criminal offense, inefficiency, dishonesty, neglect of duty, misconduct, insubordination, conduct which tends to reflect unfavorably upon the employee, Department, or City, or failure to observe Departmental or City policies, procedures, rules, and/or regulations. The specific charge against an employee must be directly related to the employee's duties and, if off-duty, they must be related to an act or acts that materially may affect the employee's ability to perform the duties assigned or required or which are indicative of unfitness for his/her position. No sworn employee may be suspended, demoted, transferred for punitive reasons or dismissed from his/her position for an act or acts of misconduct unless such employee is "officially charged" with the misconduct within one year after the misconduct comes to the attention of the Chief of Police.
 1. **Officially Charged** - For purposes of this section, means that point in time at the completion of all disciplinary procedures, when the appointing authority or his/her designee, serves the employee with a statement of the sustained allegations of misconduct and the penalty, if applicable.

339.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

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339.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

339.3.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

339.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

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Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

339.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

339.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

339.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Cypress Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

339.5.3 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member, with the exception of minor traffic infractions, where such

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activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

339.5.4 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

339.5.5 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

339.5.6 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department -related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.

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3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
 - (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
 - (i) Any act on- or off-duty that brings discredit to this department.

339.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

339.5.8 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

339.5.9 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

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- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

339.5.10 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

339.5.11 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
 - 1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Cypress Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

Information Technology Use

341.1 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.

341.1.1 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 Cypress 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.

341.2 POLICY

It is the policy of the Cypress 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.

341.3 PRIVACY EXPECTATION

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

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

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

341.4 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.

341.4.1 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.

Members that have been issued hardware as defined in this policy by the Department may use those items while off-duty and for limited personal use provided it does not result in a violation of this policy or the creation of unauthorized overtime.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

341.4.2 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.

341.4.3 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

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enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

341.4.4 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.

341.5 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.

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341.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

The City of Cypress Information Services Department acts as the system administrator. The system administrator may extract information, files, documents, voicemail, or any other electronic file when requested by a supervisor or when necessary as part of their systems responsibilities. The system may also be reviewed for any of the following:

- (a) System, software or hardware problems.
- (b) General system failure or emergency.
- (c) System security.
- (d) System performance.
- (e) Proper use by City employees (e.g., for business purposes only).
- (f) To retrieve lost information or data.
- (g) To comply with investigations or lawsuits against the City.
- (h) Suspicion of a crime or violation of policy.
- (i) A need to perform work or provide a service or assistance when a member is otherwise unavailable or has left the employment of the City.

Report Preparation

343.1 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.

343.1.1 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 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.

343.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

343.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy

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4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

343.2.2 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

343.2.3 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.

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343.2.4 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. If requested by other City department personnel to take a report, then a supervisor shall be notified and determine if a report is necessary. In cases involving injury or damage as mentioned above, a supervisor shall be notified.

343.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.
- (e) Potential for City liability.

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.

343.2.6 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 Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

343.2.7 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) Annoying telephone calls with no suspect information.
- (e) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

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

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to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

343.3 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.

343.3.1 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.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

343.3.2 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.

343.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

343.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau 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 Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

343.6 HOLDING REPORTS

In order to hold reports, face pages must be completed. All officers needing to hold reports shall obtain approval from the on-duty supervisor. Unless otherwise noted, the hold shall only be valid until the officer's next shift (generally the next day). Any subsequent request for additional days must obtain additional supervisor approval for the extension.

Media Relations

345.1 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. Information released by any representative of this agency shall comply in accordance with the provisions of the Public Records Act (Government Code § 6250, et. seq.).

345.2 RESPONSIBILITIES

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

The PIO shall serve as a liaison between the Department and reporters on items of media interest, including but not limited to:

- (a) Distribution of information to the media on items of public interest, working in conjunction with the involved division.
- (b) Provide personal liaison to the media to respond to questions about police events or incidents.
- (c) Maintain a web page that will have electronic versions of press releases about events of public interest and significant incidents.
- (d) Coordination of planned press conferences and the release of public statements or information.

Supervisors are responsible to:

- (a) Notify the PIO of in-progress events or incidents where media inquiry is anticipated or occurring.
- (b) As necessary, in the absence of a PIO, place press releases on the web page or provide the appropriate information directly to the press.

345.2.1 MEDIA REQUEST

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

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

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- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

345.3 MEDIA ACCESS

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

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345.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (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).

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

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

345.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

Subpoenas and Court Appearances

347.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Cypress Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

347.1.1 DEFINITIONS

SUBJECT TO RECALL - When an officer 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.

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

TRAILING STATUS - When a case is trailed to another date and the officer remains on-call for the trailed court dates until notified otherwise.

TRIAL BY DECLARATION NOTICE- These requests by the court are sent directly to the court liaison usually 30 days prior to their mandated completion date. There is ample time for the officer to complete a Trial by Declaration during normal on-duty hours. Officers are required to complete the requested written testimony in a timely manner. Officers must receive prior approval from a supervisor before completing a Trial by Declaration when overtime compensation is necessitated.

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. Certain hearings are always mandatory, unless specified otherwise. These mandatory hearings are:

- (a) All traffic court subpoenas.
- (b) Department of Motor Vehicle (DMV) hearings.
- (c) Alcohol Beverage Control (ABC) hearings.
- (d) Parole revocation hearings.
- (e) Probation hearings.
- (f) Juvenile Traffic Court appearances.
- (g) Civil hearings.
- (h) Evidentiary (Penal Code §§ 995 and 1538.5) hearings.
- (i) Depositions.
- (j) Any other subpoena where "mandatory appearance" is indicated.

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In cases where the DMV is requiring telephone testimony, officers need not appear in person but do need to be available for the telephone hearing.

347.2 POLICY

Cypress Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

347.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

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

In order to ensure timely notification for employees and for system accountability and/or audit, all new subpoenas will be electronically routed to the employee's email address and text message via InTime Scheduling Engine (ISE).

Occasionally, various entities operating outside of ISE systems (e.g., public defenders, private attorneys) will attempt to serve a subpoena on a department employee at the front counter of the Police Department.

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the Department court liaison shall be authorized to accept service of a subpoena. Penal Code § 1328(c). Any authorized employee accepting a subpoena shall immediately provide the subpoena to the Department court liaison. The court liaison will then generate an electronic subpoena for delivery to the appropriate employee.

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- (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.

347.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Cypress Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Cypress Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

Subpoenas sent by the Public Defender's Office in criminal cases do not apply to this notification requirement.

Any employee who provides expert testimony in any legal process shall notify his/her division commander in a timely manner and follow the procedures in the Outside Employment Policy.

347.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

347.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be

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coordinated through their immediate supervisors. Employees will be compensated according to the terms and conditions of their MOU.

347.3.4 REFUSAL OF SUBPOENA

Valid reasons for an individually named employee not accepting subpoenas include long-term illness or disability with physician recommendation, pre-scheduled and approved out-of-county training, military leave, designated "furlough days" as required by City approved contractual Employment Agreements or Memorandums of Understanding and vacations, which are scheduled and approved, before receipt of the subpoena. Regular schedule days off are not valid reasons for refusing the subpoena or missing court. It is the employee's responsibility to provide the court liaison (in a timely manner) via direct contact, email or voice mail with the dates and valid reason(s) that they will be unavailable for court or other type of legal hearing for scheduled days off. Supervisors are responsible for updating all other types of leave in the scheduling system. This will ensure that the court liaison has the requisite information to refuse the issuance of a subpoena and return it as "unable to serve" to either the Orange County District Attorney's Office or to the attorney of record. If the employee fails to provide the court liaison with the necessary information for a refusal, then it becomes the employee's responsibility to notify the court, or other hearing officer, of their inability to comply with a subpoena.

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

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

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

347.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

In the event an employee requests an excused absence or is too ill to attend court, the subpoenaed employee shall notify his/her immediate supervisor explaining the extenuating circumstances. Should the immediate supervisor not be available, the on-duty Watch Commander shall be

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contacted. Once excused, the employee will notify the court liaison, and provide the reason for the absence along with the name of the approving supervisor.

347.5 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 provide their cellular phone number. Cellular phone numbers will be entered in ISE to facilitate prompt notification of subpoena cancellations or changes.

If an employee is on-call or subject to recall and changes his/her location during the day, the employee shall notify the court liaison of how he/she can be reached by telephone. Employees are required to be on call on the day that the court case is trailed to. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

347.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

347.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

347.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Reserve Officers

349.1 PURPOSE AND SCOPE

The Cypress 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.

349.1.1 RESERVE POLICE OFFICER STATUS SUMMARY

Level I Reserve Police Officer

- (a) Per Penal Code §§ 830.6(a)(1) and 832.6(a)(1)
 1. Authority: 24 hours, or only for the duration of the person's specific shift
 2. Assignment: General law enforcement
 3. Supervision: Same as a regular police officer
 4. Training: Must complete; Regular Basic Academy (664 hours), Field Training Program (400 hours), and Continuous Professional Training of 24 hours every two years.

Level II Reserve Police Officer

- (a) Per Penal Code §§ 830.6(a)(1) and 832.6(a)(2)
 - (a) Authority: Only for the duration of the person's specific assignment
 - (b) Assignment: General law enforcement with limited support duties, which may include work assignments authorized for Level III reserve officers.
 - (c) Supervision: Immediate supervision by a police officer or Level I reserve officer, who has completed the POST Regular Basic Course. Work assignments authorized for Level III reserve officers may be completed without immediate supervision.
 - (d) Training: Level III and Level II Modules (386 hours), and Continuous Professional Training of 24 hours every two years.

Level III Reserve Police Officer

- (a) Per Penal Code §§ 830.6(a)(1) and 832.6(a)(3)
 1. Authority: Only for the duration of the person's specific shift
 2. Assignment: Limited support duties, which includes traffic control, security at parades and sporting events, report writing, evidence transportation, parking enforcement and other duties that are not likely to result in physical arrests. May transport prisoners without immediate supervision.

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3. Supervision: Supervised in the accessible vicinity by a Level I reserve officer, or a full-time regular officer employed by a law enforcement agency authorized to have reserve officers.
4. Training: Level III Module (162 hours)

349.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Cypress 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.

349.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST-approved basic academy, extended basic academy, POST modules II-III for level II reserves or POST modules I-III for level I reserves.

349.2.2 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.

349.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued 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.

349.3 DUTIES OF RESERVE OFFICERS

Reserve officers may be used in a variety of assignments based upon departmental needs and the skill set of the employee. As listed in the Reserve Police Officer Status Summary section above, reserve officers may function in a Level I, II, or III capacity. While Level II and III officers require immediate supervision, Level I officers are capable of solo patrol. As such, they are commonly used to assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of Level I reserve officers will usually be to augment the Operations Division, however, they may be assigned to other areas within the Department as needed. Level I reserve officers are required to work an average monthly minimum of 16 hours per month in order to maintain their POST certification (POST Administrative Manual § 1008(b)(1)(A))

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349.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

349.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

349.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve officer performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

349.3.4 ASSISTANT RESERVE COORDINATOR

An Assistant Reserve Coordinator at the rank of sergeant may be appointed by the Reserve Coordinator to assist in the administration and operation of the Reserve Program. The Assistant Reserve Coordinator will handle the normal duties of the Reserve Coordinator in his/her absence.

349.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

349.4.1 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

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349.4.2 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 Cypress 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.

349.4.3 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

349.4.4 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.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual.

349.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

349.4.6 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now 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.

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349.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). 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 Division Commander.

349.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, 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.

349.5.2 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.

349.5.3 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.

349.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

349.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations 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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349.5.6 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve. The reserve coordinator or the authorized designee shall be responsible for ensuring evaluations are completed in a timely manner.

349.6 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.

349.6.1 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.

349.6.2 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. The Level I reserve officer shall maintain a minimum of 32 duty hours per month. 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 Cypress Police Department.

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349.6.3 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, with the following exceptions:

- (a) All reserve officers are required to qualify at least every other month
- (b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
- (c) Should a reserve officer fail to qualify over a two-month period, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

349.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Outside Agency Assistance

351.1 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.

351.1.1 ORANGE COUNTY CHIEFS OF POLICE AND SHERIFF'S ASSOCIATION OPERATIONAL AND PROCEDURAL PROTOCOL MANUAL

Whenever an officer or supervisor contemplates requesting the assistance of an outside agency, they should consult with the Operational and Procedural Protocol Manual, which was developed by the Orange County Chiefs of Police and Sheriff's Association. A copy of this manual is available in the Watch Commander's office.

- (a) Operational and Procedural Protocol Manual § 102, refers to the Inter-city Police Assistance Plan and includes such subjects as Code Alex, Code Charlie, 999 and the Cost of Inter-city assistance.
- (b) Operational and Procedural Protocol Manual § 122, discusses the Master Mutual Aid Plan for Orange County.

351.2 POLICY

It is the policy of the Cypress 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.

351.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

Outside Agency Assistance

351.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Cypress Police Department shall notify his/her supervisor or the Watch Commander and WestComm as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

351.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

351.5 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.

351.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support 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 WestComm and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

355.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Cypress 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.

355.2 POLICY

It is the policy of the Cypress 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.

355.3 REGISTRATION

The Criminal Investigations Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

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

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

355.3.1 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.).

355.3.2 PROCEDURE FOR SEX OFFENDER REGISTRATION

- (a) Registrants are registered with the PSOs by appointment only.
- (b) When a person comes to the Department to register as a sex offender (Penal Code § 290), State Form SS8102S shall be completed and the registrant shall sign the form.
- (c) The PSO will check the completed form for accuracy and required information. A thumb print must also be included on the state form. The assigned detective should be responsible for final review of the paperwork.

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- (d) If the registrant has a prior log item number and is fulfilling their annual or 30 day update, then that log item will be entered on the proper forms. If the registrant has no prior log item, no log item will be issued; however, all registrants will be added to the 290 Registrant database as applicable.
- (e) The registrant shall then be photographed and fingerprinted through livescan.
 - 1. Two photographs will be taken (front and side view) along with any tattoos for follow up registration.
 - 2. Livescan shall be completed and attached to the registration form every time the registrant registers.
- (f) The PSO shall complete two registration receipt forms. One registration receipt form will be marked "Temporary" and given to the registrant at the time they are being processed. The second registration receipt will be marked "Permanent" and will be mailed to the registrant.
- (g) The photograph of the registrant will be downloaded into DIMS
 - 1. A copy of the photograph will be mailed to DOJ or uploaded into DIMS along with the fingerprint card (if a first-time registrant). Information required by the Department of Justice shall be placed on the header at the front of the photograph.
- (h) All registrant files will be maintained in the Special Investigations Unit.
- (i) Photographs, fingerprints and the SS8102S form shall be processed by the Investigations Division secretary to submit copies of all documentation to the Department of Justice where applicable.
- (j) As part of the registration process, sex offenders have direct contact with a sex crimes detective to facilitate a proper threat assessment

355.3.3 PROCEDURE FOR NARCOTICS OFFENDER REGISTRATION

When a person comes to the Department to register as a narcotic offender (Health and Safety Code §11590), the procedure outlined in Policy Manual §355.3.2(a) through (i) shall be followed with regard to the SS-8102-N form as applicable.

355.3.4 GANG OFFENDER REGISTRATION

When a person comes to the Department to register as a gang member as ordered by the court per Penal Code § 186.30, the procedure outlined in Policy Manual §355.3.2 (a) through (i), shall be followed as applicable.

355.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

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- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the California DOJ website for sex offenders.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Criminal Investigations Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Cypress Police Department personnel, including timely updates regarding new or relocated registrants.

355.5 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 Cypress Police Department's website. Information on sex registrants placed on the Cypress Police Department's website shall comply with the requirements of Penal Code § 290.46.

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

355.5.1 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

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- (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).

355.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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

357.1 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.

357.2 POLICY

The Cypress Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

357.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Cypress official
- Arrest of a department employee or prominent Cypress official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

357.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

357.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the appropriate Division Commanders.

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357.4.2 CRIMINAL INVESTIGATION BUREAU 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 along with the Investigations Division Commander.

357.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Operations Division Commander.

357.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

359.1 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.

359.2 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.

359.2.1 CORONER REQUEST

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

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

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

359.2.2 SEARCHING DEAD BODIES

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

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

359.2.3 DEATH NOTIFICATION

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

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359.2.4 UNIDENTIFIED DEAD BODIES

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

359.2.5 DEATH INVESTIGATION REPORTING

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

359.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the CIB Sergeant shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

359.2.7 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)).

Identity Theft

360.1 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.

360.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Private Persons Arrests

362.1 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.

362.2 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.

362.3 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/her presence.
- (b) When the person arrested has committed a felony, although not in his/her presence.
- (c) When a felony has been in fact committed, and he/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.

362.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there are sufficient facts and circumstances supporting reasonable cause to believe that such an arrest is lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to support 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.

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1. Any officer who determines that a private person's arrest is not supported by reasonable cause or is unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should 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 Policy Manual § 420 - Cite & Release.
 3. Release the individual pursuant to Penal Code § 849.

362.5 REPORTING REQUIREMENTS

When a private person is claiming to have made an arrest, the individual must complete and sign the appropriate "Declaration of Arrest by Private Person" form (PD-200a).

- (a) In situations involving domestic violence, the private person making the arrest should be given form (PD200a) to be completed.
- (b) In situations involving an arrest at a labor demonstration, the private person making the arrest should be given form (PD87) to be completed.
- (c) In situations involving all other general private person arrests, the private person making the arrest should be given form (PD86) to be completed.

Officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Anti-Reproductive Rights Crimes Reporting

364.1 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.).

364.2 DEFINITIONS

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

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

364.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

Upon the receipt of the report of an ARRC, it shall be the responsibility of Records Personnel in processing such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms. The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Records Supervisor and Support Services Division Commander.

By the 10th day of each month, it shall be the responsibility of the Records Supervisor to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

- (a) 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.

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- (b) 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

366.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

366.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

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

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

Qualified bilingual member - A member of the Cypress Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

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

366.2 TYPES OF LEP ASSISTANCE AVAILABLE

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.

366.2.1 BILINGUAL FORMS

The Department will arrange to make the below-listed translated forms available to department personnel and other appropriate individuals. The forms currently available include:

- Admin Per Se
- Domestic Violence Information
- Marsy's Law Information

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366.2.2 AUDIO RECORDINGS

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these individuals may include local businesses, banks, churches, local residents, and school officials.

366.2.3 TELEPHONE INTERPRETER SERVICES

While family and friends of an LEP individual may frequently offer to assist with interpretation, officers should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

366.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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

366.4 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

366.5 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant should provide new members with LEP training.

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366.5.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

As applicable, members on the authorized interpreter list should receive refresher training annually or they may be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

366.6 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be handled in the manner outlined in the Personnel Complaints Policy. Assistance from the LEP Coordinator may be requested as appropriate.

Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

366.7 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Cypress Police Department will take reasonable steps and will work with the Human Resources Office to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

366.7.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in WestComm, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

366.8 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

366.9 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

366.10 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

366.11 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably

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possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

366.12 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

366.13 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.

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- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

366.13.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

366.13.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

Communications with Persons with Disabilities

368.1 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.

368.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

368.2 POLICY

It is the policy of the Cypress 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.

368.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate ADA Coordinator responsibilities to the Support Services Supervisor (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Cypress Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Administrator. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 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.

Communications with Persons with Disabilities

368.5 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 Cypress 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.

368.6 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

368.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue

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to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.8 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

368.9 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

368.10 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

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368.11 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

368.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

Communications with Persons with Disabilities

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

368.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

368.14 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

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Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

368.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

368.16 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant should provide new members with training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind.

368.16.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

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- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all WestComm members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

368.17 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be handled in the same manner as outlined in the Personnel Complaints Policy. The ADA Coordinator may be requested to assist as necessary.

Qualified interpreters used during the investigation of a complaint should not be members of this Department.

368.18 TYPES OF ASSISTANCE AVAILABLE

Cypress Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

Mandatory Employer Notification

370.1 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.

370.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

370.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

370.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

370.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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370.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health 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).

370.3 POLICY

The Cypress Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

370.4 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

372.1 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.

372.2 POLICY

The Cypress 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.

372.3 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.

372.3.1 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally-approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors. (Penal Code § 298(a) and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information.

Note: If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.

372.3.2 FULL PALM PRINTS

Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples. (Penal Code § 298(b)(4)).

372.3.3 PROCESSING DNA SAMPLES

All DNA samples and related materials shall be promptly forwarded to the DNA Lab using DOJ buccal swab sample packets, mailing tubes, labels and instructions for prompt analysis, as provided. (Penal Code § 298(a) and (b)(1)).

Biological Samples

372.3.4 NOTICE OF A REJECTED SAMPLE

In the event the Department of Justice notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the Department of Justice (Penal Code § 296.2(a)).

372.3.5 FOLLOW UP NOTICE TO DOJ

Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation (Penal Code § 297(c)(2)). It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

372.4 PROCEDURE

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

372.4.1 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 first checking the Orange County District Attorney's SciLas data base, then 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. If it is not feasible for an officer to conduct a SciLas, RAP sheet and DOJ DNA laboratory check due to the location or circumstances of the arrestee (i.e. field, hospital, etc.), the officer shall collect both a DNA sample and set of palm prints. The officer shall later verify the need to retain the sample as soon as possible. If it is later determined that the sample is a duplicate and does not need to be retained, the officer shall shred the information card and throw-out the CAL DOJ DNA kit in a regular trash receptacle.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

372.5 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.

372.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

372.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander 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.

372.6.2 BLOOD SAMPLES

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

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

372.6.3 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

374.1 PURPOSE AND SCOPE

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

374.2 POLICY

The Cypress Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

374.3 ELIGIBILITY

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Each chaplain shall maintain the high moral standard that is in keeping with his/her religious body's expectation.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e)
- (f) Possess a valid California Driver License.
- (g) Must be a regular attendee at the chaplain's local house of worship within their specific faith or denomination.
- (h) Chaplains are encouraged to participate in ride alongs.
- (i) Chaplains shall not discriminate against persons on the basis of race, religion, creed, sex, sexual orientation or national origin.
- (j) All chaplains must evidence the ability to deal with people in crisis.
 - 1. When appropriate, the chaplain shall ascertain from those needing emergency pastoral help whether they have a particular religious affiliation, and if so, appropriate clergy should be contacted as soon as possible.
 - 2. At the request of the Police Department, the chaplain should notify members of a family when relatives are involved in serious accidents or when death has occurred.
 - 3. When requested by the Police Department, the chaplain should give counsel to persons involved in such things as family tensions, attempted suicide, desertion, runaways, lost persons, substance abuse cases, etc.
 - 4. The chaplain shall seek to provide an influence of calm and stability in the midst of situations charged with unusual stress and potential explosiveness.

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- (k) Chaplains must be willing to be on-call for emergency situations,.
- (l) It is appropriate for a chaplain to leave a Cypress Police Department Chaplaincy business card with someone the chaplain has aided while on-duty. This is especially important if follow-up contact is anticipated. Religious tracts are not to be distributed at any contact made by police chaplains. Care is to be exercised to remain in a non-sectarian role unless the person being counseled requests more specific spiritual information. The chaplain's role is not to proselytize or convert.
- (m) The chaplain should be prepared to refer persons to acceptable social agencies where specific kinds of help are available.

374.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Cypress 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.

374.4.1 SELECTION AND APPOINTMENT

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process.

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are appointed by the Chief of Police. Chaplains are volunteers and serve at the discretion of the Chief of Police. 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 Chief of Police or the authorized designee.

374.5 IDENTIFICATION AND UNIFORMS

A distinct uniform, badge and necessary safety equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of this department. The Class A uniform will be worn at graduation ceremonies, funerals and other formal events. The Class B uniform may be worn at other meetings and events. For purposes of ride-alongs and call-outs, chaplains will wear civilian clothes with the department-issued "Chaplain" jacket. Optionally, the Chaplain may wear a white 5.11 brand polo short with word "Chaplain" in black lettering across the upper back,

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a cloth badge on the upper left breast, and the Chaplains first and last name in black lettering on the upper right breast. Refer to the Civilian Attire section of the Uniform Policy.

Chaplains will be issued Cypress Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Cypress 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.

374.6 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 Support Services Sergeant 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) Conducting chaplain meetings.
- (b) Establishing and maintaining a chaplain callout roster.
- (c) Maintaining records for each chaplain.
- (d) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (e) Planning periodic recognition events.
- (f) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains should be conducted on an annual basis by the coordinator.

374.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division. 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.

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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. 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 Cypress Police Department.

374.7.1 WHEN CHAPLAINS SHALL ENCOURAGE EMPLOYEES TO SPEAK WITH A SUPERVISOR

- (a) The employee has violated Department policy, but the action does not rise to a violation of law,
- (b) The employee shares concerns about another member of the agency who may have violated Department policy, which does not rise to a violation of law.
- (c) The employee or other member of the Department may have violated Department policy and/or law.

374.7.2 WHEN CHAPLAINS SHALL DIVULGE CONFIDENTIAL STATEMENTS TO A SUPERVISOR

- (a) A chaplain shall be responsible to divulge certain incriminating statements from employees depending upon the severity of the offense, but only after encouraging the employee to voluntarily communicate the issue to their supervisor and informing the employee that the chaplain is required to report the issue.
 - 1. Required reporting would include any statement where an employee has stated they had committed or were contemplating committing harm to himself/herself or any other person.
- (b) The chaplain may be required to file a written report in accordance with department guidelines.

374.7.3 OPERATIONAL GUIDELINES

- (a) Chaplains will be on-call as needed.
- (b) Generally, each chaplain will serve with Cypress Police Department personnel a minimum of eight hours per month.
- (c) Chaplains shall be permitted to ride with officers during any shift and observe Cypress Police Department operations, provided the Watch Commander has been notified and approved of the activity.
- (d) The chaplain shall only act when called upon by the officer with whom the chaplain is working, or by some other officer at the scene of an incident.

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- (e) If the chaplain is present when a prisoner is being transported, no conversation with the prisoner is to take place unless directed by the officer.
- (f) The relationship with the officer is to be on a professional basis unless the officer requests counseling. Chaplains are not to evangelize the officer, but rather to be of general counseling service.
- (g) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (h) In responding to incidents, a chaplain shall never function as an officer.
- (i) 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.
- (j) Chaplains shall serve only within the jurisdiction of the Cypress Police Department unless otherwise authorized by the Chief of Police or his/her designee.
- (k) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

374.7.4 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.

374.7.5 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.

374.7.6 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.

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- (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.

374.7.7 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

374.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Cypress Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Cypress Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

Child and Dependent Adult Safety

378.1 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 Adult Abuse policies.

378.2 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 Cypress 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.

378.3 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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Child and Dependent Adult Safety

378.3.1 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.

378.3.2 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)).

Child and Dependent Adult Safety

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.

378.3.3 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

378.3.4 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.

378.4 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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Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

378.5 TRAINING

The 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

380.1 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).

380.1.1 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)).

380.2 POLICY

It is the policy of the Cypress 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.

380.3 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.

380.4 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 Cypress Police Department affords to all members of the public (28 CFR 35.136).

380.4.1 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.

380.4.2 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.

380.4.3 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.

380.4.4 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

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animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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).

Volunteer Program

382.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies.

Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

382.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

382.2 VOLUNTEER MANAGEMENT

Oversight of the Volunteer Coordinator and VIP program is the responsibility of the Administrative Sergeant.

382.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Support Services Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.

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- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

382.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

382.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment check.
- (c) References check.
- (d) Credit history.
- (e) Residence check.

A polygraph exam may be required of each applicant depending on the type of assignment.

382.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement

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of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

382.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

382.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

382.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department

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assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers will wear navy blue uniform pants with the light blue uniform shirt and Cypress Police Department shoulder patches on each sleeve and a "Volunteer" tab patch below the Department patch.

- (a) Volunteers assigned to daytime field duties may wear navy blue shorts as described in the summer uniform Policy Manual § 1046.3.3(a)(6). Volunteers assigned to station duties shall not wear uniform shorts.
- (b) Volunteers working inside the police facility may wear navy blue, 100% acrylic, long sleeve, front 5-button uniform sweater with two sash pockets.
- (c) Volunteers assigned to field duties (traffic and patrol) may wear the following items on their dress belt or Sam/Sally Browne belt:
 - 1. Radio and Radio Holder
 - 2. Keys and Key Holder

Volunteers shall be required to return any issued uniform or department property at the termination of service.

382.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

382.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential

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information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

382.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

382.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

382.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

382.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or his/her designee. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an

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opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or his/her designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

382.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

382.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

Off-Duty Law Enforcement Actions

384.1 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 Cypress Police Department with respect to taking law enforcement action while off-duty.

384.2 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.

384.3 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.

384.4 DECISION TO INTERVENE

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

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.

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- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

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

384.4.1 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 Cypress Police Department officer until acknowledged. Official identification should also be displayed.

384.4.2 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.

384.4.3 CIVILIAN RESPONSIBILITIES

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

384.4.4 OTHER CONSIDERATIONS

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

384.5 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/Office Use of Social Media

387.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

387.1.1 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

387.2 POLICY

The Cypress Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

387.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

387.4 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.

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Department/Office Use of Social Media

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

387.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

387.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Cypress Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

387.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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Department/Office Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

387.6 RETENTION OF RECORDS

The Support Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

387.7 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.

Native American Graves Protection and Repatriation

388.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

388.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

388.2 POLICY

It is the policy of the Cypress Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

388.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

388.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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 Cypress Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

389.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request a temporary order (Penal Code § 18140).

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.

Gun Violence Restraining Orders

- (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).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

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 Supervisor for filing with the court and appropriate databases.

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389.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
 - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
 - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

389.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

- (a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
- (b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- (e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

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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 Supervisor for recording in appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training 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 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Criminal Investigations Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

389.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

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389.12 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

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

400.1.1 FUNCTION

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

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

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service and self-initiated activities, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community-Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other divisions within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community-Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.
- (j) Officers assigned to patrol are encouraged to be pro-active in their approach and be highly visible to the public in their efforts to protect the life and property of our community.

400.1.2 TERRORISM

It is the goal of the Cypress Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism-related and should document such incidents with a written report or FI. The supervisor

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should ensure that all terrorism-related reports and FIs are forwarded to the Criminal Investigations Bureau Supervisor and the Terrorism Liaison Coordinator in a timely fashion.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions 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 divisions 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 divisions.

400.2.1 CRIME REPORTS

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

400.2.2 PATROL BRIEFINGS

Patrol supervisors, detectives and Lead Police Officers are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.3 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.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Cypress 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 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

402.2 POLICY

The Cypress 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.

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 CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Cypress Police Department is the primary agency, the Cypress Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

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.

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Bias-Based Policing

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 ADMINISTRATION

Each year, the Operations Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Personnel and Training Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Support Services Division Commander Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Briefing Training

405.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing; however officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new Special Orders or changes in Special Orders
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

405.2 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.

Crime and Disaster Scene Integrity

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

407.2 POLICY

It is the policy of the Cypress 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.

407.3 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.

Officers should approach the crime scene investigation as if it were their only opportunity to preserve and recover physical clues. They should consider other case information or statements from witnesses or suspects carefully in their objective assessment of the scene. Investigations may change course a number of times during such an inquiry and physical clues, initially thought irrelevant, may become crucial to a successful resolution of the case.

407.4 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) Scan the entire area to thoroughly assess the scene, and note any possible secondary crimescenes.
- (c) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (d) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (e) Provide first aid to injured parties if it can be done safely.
- (f) Guide medical personnel to any injured party to minimize contamination and/or alteration of the crime scene.
- (g) Evacuate the location safely as required or appropriate.

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- (h) Control all individuals at the scene to prevent them from altering/destroying physical evidence by restricting movement, location, and activity while ensuring and maintaining safety at the scene.
- (i) Secure the inner perimeter.
- (j) Exclude unauthorized and nonessential personnel from the scene (e.g., law enforcement officials not assigned to work the case, politicians, media,).
- (k) Protect items of apparent evidentiary value.
- (l) Secure an outer perimeter.
- (m) Identify potential witnesses.
- (n) Start a chronological log noting critical times and personnel allowed access.

407.5 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 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.

407.5.1 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.

407.6 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).

407.7 COMMAND RESPONSIBILITY AT A CRIME OR DISASTER SCENE

- (a) At the start of a crime/disaster scene, command of department resources rests with the ranking supervisor. Such person has the authority to direct the operation and is responsible for its outcome. In the absence of a supervisor, the assigned officer shall be responsible.
 - 1. If developments so indicate, the senior officer present shall assume command and so notify the junior officer.
- (b) The supervisor or officer-in-charge at a crime/disaster scene shall be responsible for the scene until they are officially relieved of their duties. No one in charge of a scene should ever assume anyone else has accepted responsibility for the scene until they

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are officially notified that they have been relieved of their supervisory responsibilities for that scene.

- (c) In the absence of a supervisor at a crime scene, the assigned investigator present is in charge of the crime scene, once it has been established and designated.

407.7.1 ASSIGNED INVESTIGATOR RESPONSIBILITIES AT CRIME OR DISASTER SCENES

- (a) The basic objective is to keep the site of the crime scene in the same physical condition as it was left by the perpetrator, and in furtherance of this objectivity the following guideline applies:
 - 1. Cypress PD personnel, or any other person or department representative, shall be allowed access to the crime/disaster scene to the extent that it is officially required, specifically authorized, or is requested by the assigned investigator or his/her designee.
- (b) In the event that the assigned investigator requests numerous personnel for an area search (e.g., cadets, explorers, etc.), it shall be the responsibility of the assigned investigator, or his/her designee, for the control and coordination of resources, and appropriate inclusion within the reports of the names and titles of personnel present.

407.7.2 DEPARTMENT PERSONNEL PRESENT AT CRIME OR DISASTER SCENES

- (a) Only personnel specifically authorized pursuant to this order may be present at major crime or disaster scenes.
- (b) Those personnel assigned or officially present at major crime or disaster scenes shall submit appropriate police reports describing in detail their actions at such scenes, if determined pertinent by the assigned investigator or supervisor.
 - 1. Such reports shall be submitted in conjunction with the report of the assigned investigator or supervisor.

407.7.3 SUPERVISOR'S RESPONSIBILITY AT CRIME OR DISASTER SCENES

Any supervisor present or, in his/her absence, the assigned investigator at a crime scene, who becomes aware or is advised of unauthorized police personnel present at a crime or disaster scene, shall take immediate steps to ensure that the officer(s) is returned to their primary assignment/function. The presence of any unauthorized person, who enters a crime or disaster scene, shall be noted within the Crime Report of the person in charge of the scene, or the unauthorized person may be directed to write a report describing their actions.

Crisis Response Unit

409.1 PURPOSE AND SCOPE

The primary goal of the Special Weapons and Tactics Team is risk reduction and the protection of life and property. The S.W.A.T. Team shall safely execute high-risk missions and resolve hazardous tactical field operations in a manner that minimizes the likelihood of injury or death to citizens, officers and suspects. The unit has been established to provide specialized support in handling critical field operations where intense negotiations and special tactical deployment methods are required.

This deployment and activation procedure has been prepared to provide guidelines to assist in the use of the Special Weapons and Tactics Team. These procedures are outlined in detail in the Special Weapons and Tactics Team Policy and Procedural Manual. Copies of that manual are available in the Watch Commander's Office, Operations Division Commander's Office, S.W.A.T. Team Commander or any S.W.A.T. Team member.

Ride-Along Policy

411.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. The Ride-Along Program is intended to educate the public as to the everyday challenges which confront law enforcement and enhance relations between the community and police officers. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

411.1.1 ELIGIBILITY

Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause. The Cypress Police Department Ride-Along Program is offered to the following persons:

- (a) Members of the City Council.
- (b) City Staff.
- (c) Cypress residents.
- (d) Local merchants.
- (e) Spouses or fiances of officers - once every six months.
- (f) Police department applicants.
- (g) Cypress Police Explorers
 - (a) All Police Explorers are encouraged to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Police Explorers shall wear their uniform while participating on a ride-along.
- (h) All participants shall be at least 18 years old.
 - 1. Students 16 years of age or older, involved in a school-sanctioned project shall submit a request which has been endorsed by his/her parent (or guardian) and school officials, then, forwarded to the Chief of Police for consideration. If approved, the applicant may file a Ride-Along request application.
- (i) Other interested persons, as approved by the Chief of Police or his/her designee.

411.1.2 DISQUALIFICATION FACTORS

The following factors should be considered in disqualifying an applicant and are not limited to:

- (a) Prior criminal history.
- (b) Pending criminal action.
- (c) Pending lawsuit against the Department.
- (d) Denial by any supervisor.

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- (e) Any female who is pregnant.
- (f) Any person displaying severe cold/flu symptoms.

411.1.3 LIMITATIONS (RIDE-ALONG PROGRAM)

- (a) Generally, an individual may ride along only once in a six-month period, except in cases where an exception is deemed to be in the best interest of the Department.
- (b) All persons interested in the program must file an application in accordance with these guidelines. In all cases, the application must be approved by the Operations Division Commander or his/her designee.
- (c) Participants must agree to reasonable safety regulations and in all cases must complete a waiver of liability, which is designed to protect the City, the Department, and the host officer from civil liability.
- (d) Student participants authorized to ride-along shall only ride on weekends or school holidays between the hours of 9:00 a.m. and 4:00 p.m. for no more than two hours.
- (e) Participants failing to adhere to the dress code will be turned away by the Watch Commander.
- (f) Members of the media shall not participate as a ride-along nor accompany any member of this department without the expressed written permission of the Police Chief.

411.1.4 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions established by the Operations Division Commander. Exceptions to this schedule may be made as approved by the Chief of Police or Operations Division Commander.

411.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Personnel and Training Unit. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Personnel and Training Unit will schedule a date, based on availability, at least one week after the date of application. If approved, 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.

411.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, VIPs, Chaplains, Reserves, police applicants and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

411.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

411.2.3 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.

It will be up to the discretion of the on-duty Watch Commander whether the off-duty officer will be allowed to carry a firearm while on the ride-along.

- (a) All peace officer ride-alongs shall be questioned as to whether they are armed.
- (b) If a peace officer ride-along is armed, this information shall be broadcast over the radio and the Mobil Data Computer (MDC).

Off-duty, sworn Cypress Police employees are prohibited from participating in a ride-along at the Cypress Police Department per FLSA requirements. All civilian employees must have ride-alongs approved by their immediate supervisor. All ride-alongs who are not on-duty employees, must complete and sign the Ride-Along Liability Release form.

411.2.4 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 Cypress Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

411.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs.

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411.4 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

411.5 CYPRESS POLICE EXPLORER RIDE-ALONGS

Explorer ride-alongs are permissible after approval of the Post Advisor. Once the Post Advisor has approved the explorer for a ride-along, the following guidelines will be met:

- (a) The Operations Division Commander or his/her designee will approve all explorer ride-alongs.
- (b) Explorers are allowed to ride no longer than ten hours without prior approval of the on-duty Watch Commander.
- (c) Explorers, who are not at least 18 years-old, will not be allowed to ride after 2400 hours.
- (d) Explorers, who are not at least 18 years-old, will not be allowed to ride after 2200 hours when school is in session the following morning.
- (e) Explorers will wear a uniform, either Class A or B, during the ride-along.
- (f) Explorers must furnish their own equipment during the ride-along.
- (g) The officer has the discretion to allow the explorer to assist with appropriate tasks (e.g., talking on the radio, filling out forms, directing traffic).

Hazardous Material Response

413.1 PURPOSE AND SCOPE

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

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 accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

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

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 10215).
- (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 they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the respective division commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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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.

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.

The exposure shall be treated as would any other on-duty illness or injury. The supervisor will complete a Report of Injury and Worker's Compensation form. Both of these forms shall immediately be faxed to Human Resources and then given to the respective division commander. The division commander shall also be given a copy of the memorandum completed by the employee (or supervisor if the employee is unable to complete) and any other reports pertaining to the incident.

The supervisor or Watch Commander should immediately notify the division commander, who may choose to notify the Chief of Police. They will determine if the City Attorney and/or Risk Manager also need to be notified immediately.

There are instances of potential exposures to a hazardous material that cannot be verified and there is no apparent immediate reaction to the exposure. In these instances, the supervisor shall document the exposure on a City Injury form and forward it to the appropriate division commander for review. A copy of the City Injury form shall be faxed to Human Resources (714-229-6755) and a copy given to the involved employee. The division commander or Human Resources may direct the employee for further medical examinations.

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.

Personal Protective Equipment

414.1 PURPOSE AND SCOPE

It is the policy of the Cypress Police Department that all first responders shall be equipped with Personal Protective Equipment (PPE). Prior to the issuance of PPE, all first responders will attend an approved Personal Protective Equipment and Terrorism Course. The personnel classified as first responders shall have their assigned PPE with them while on-duty, ready for immediate deployment.

414.2 FIRST RESPONDER CLASSIFICATION

The Cypress Police Department defines first responders as the following:

- (a) Sworn personnel from the rank of Sergeant and below.
- (b) Crime Scene Investigators (CSI).
- (c) Police Services Officers (PSO).
- (d) Other personnel as determined by the Chief of Police or his/her designee.

414.3 ISSUED PERSONAL PROTECTIVE EQUIPMENT

The PPE issued by the department will consist of the following:

- (a) Air Purifying Respirator (APR) (The only approved APRs are the MSA, model 5479 and the Avon FM-12).
- (b) Sealed APR filter.
- (c) Vacuum sealed pouch containing the following:
 - 1. Level C suit.
 - 2. Pair of protective boots.
 - 3. Pair of inner protective gloves.
 - 4. Pair of outer protective gloves.
- (d) APR carry case.
- (e) Organic vapor mask.
- (f) Roll of "Chem or Duct Tape."
- (g) PPE equipment bag.

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All employees issued PPE will be responsible for the care and operation of the issued items. All PPE, when not in use, shall be carried in the equipment bag provided.

In order to maintain the APR filter quality, filters will remain in the manufacturer's sealed pouch. Filters will not be stored on the APR. If the filter pouch becomes ripped, torn or open, it is considered damaged. If a filter becomes damaged, a memorandum shall be completed indicating the reason for the damage and directed to the Training Sergeant.

414.4 USE OF PPE

In order to maintain the integrity of the PPE, it shall not be used for anything other than approved departmental training or a Hazardous Material/Weapons of Mass Destruction/CBRNE event, unless directed to do so by a supervisor. The following are examples of when the PPE may be deployed by first responders. The list is not all inclusive and other events may require the use of the issued PPE:

- (a) A suspected hazardous material dispersal or spill.
- (b) A suspected weapon of mass destruction event.
- (c) When directed to do so by Fire Department authorities to conduct critical law enforcement functions.
- (d) When directed by a ranking supervisor.

414.5 ANNUAL INSPECTION AND CHANGES IN PHYSICAL ABILITIES

On an annual basis, departmental PPE instructors will inspect the issued PPE. The inspection will include the following:

- (a) Inspection and inventory of PPE issued to First Responders.
- (b) Refresher training in PPE (including donning and doffing).
- (c) Re-fit test of APR.

It is the first responders responsibility to let his/her supervisor know, as soon as practical, if their physical abilities have changed and require specialized PPE (i.e. prescription eye wear) or if they have a medical or other condition that prevents them from deploying in PPE.

Hostage and Barricade Incidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

415.2 POLICY

It is the policy of the Cypress Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

415.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

415.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

415.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

415.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

415.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

415.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a West County SWAT (West County SWAT) response if appropriate and apprising the West County SWAT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
 - (b) Ensure the completion of necessary first responder responsibilities or assignments.
 - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
 - (d) Establish a command post location as resources and circumstances permit.
 - (e) Designate assistants who can help with intelligence information and documentation of the incident.
 - (f) If it is practicable to do so, arrange for video documentation of the operation.
 - (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or WestComm.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

415.6 SWAT RESPONSIBILITIES

The Incident Commander will decide, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

415.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Cypress Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

417.2 POLICY

It is the policy of the Cypress Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

417.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

417.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

417.4.1 CYPRESS POLICE DEPARTMENT FACILITY

If the bomb threat is against the Cypress Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

417.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

At any city building, unless the bomb threat was categorically considered a prank, city personnel and others will be evacuated from the building being threatened.

- (a) A search team comprised of a police department employee, fire department personnel and a city employee of the respective building should conduct a search to locate any suspicious packages or devices.

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- (b) In the event a suspicious package or device is located, the area will be cordoned off and the Orange County Sheriff's Department Bomb Squad will be notified and handle the investigation.

If the bomb threat is against a county facility within the jurisdiction of the Cypress Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

417.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

417.5 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
 - 1. Whenever the Orange County Sheriff's Department Bomb Squad responds to the scene of a known or suspected hazardous device, the responsibility for the supervision, containment, control and/or removal of any device from the area lies completely with the members of the Orange County Sheriff's Department Bomb Squad. If a suspected device is located, the assigned officer shall be responsible for obtaining complete preliminary information (e.g., witness statements, calling

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party, persons present) and relaying the information to the Orange County Sheriff's Department Bomb Squad as soon as practicable.

- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 1. The time of discovery.
 2. The exact location of the device.
 3. A full description of the device (e.g., size, shape, markings, construction).
 4. The anticipated danger zone and perimeter.
 5. The areas to be evacuated or cleared.

417.6 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

417.6.1 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

417.6.2 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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417.6.3 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

417.6.4 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

417.7 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Cypress, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

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The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

417.7.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

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).

419.1.1 CENTRALIZED ASSESSMENT TEAM (CAT)

The CAT is made up of mental health professionals who are qualified to commit persons to mental health facilities per Welfare and Institutions Code § 5150. They are available 24 hours per day, 365 days per year to respond to the officer's location (either in the field, at the station, or at a medical facility). They can be reached at the following numbers:

For adults - 866-830-6011

For juveniles - Call ETS at 714-834-6900 and tell them you have a minor case.

419.2 POLICY

It is the policy of the Cypress 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 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

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- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

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) Language that is appropriate for interacting with a mentally disabled person.
- (e) 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 INJURED, ILL OR INTOXICATED PERSONS

- (a) If injured or ill (e.g., attempt suicide, accident), the person should be transported to a hospital emergency room for treatment, prior to Welfare and Institutions Code § 5150 lodging.
 - 1. If treatment will require detention for extended period of time at the hospital, the officer shall complete the Welfare and Institutions Code § 5150 application form for admission.
 - (a) The officer shall present the application to the charge nurse for acceptance of the Welfare and Institutions Code § 5150 commitment for subsequent lodging.
 - (b) The officer shall obtain the signature of the charge nurse and the date and time the person was released to the hospital's custody.
- (b) If the Welfare and Institutions Code § 5150 subject Had Been Drinking (HBD), ETS shall be notified of his/her condition prior to transportation to their location.
 - (a) Depending on the subject's level of intoxication, ETS may require medical screening prior to accepting the subject. ETS will not accept the subject if his/her blood alcohol level is .15 grams of alcohol per 210 liters of breath or higher.

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- (b) Should the subject's blood alcohol level preclude his/her admission to ETS, officers shall attempt to make arrangements for lodging through a hospital emergency room.

419.4.2 NON-INJURED OR NON-INTOXICATED SUBJECTS

- (a) An alternative to officers initiating 72 hour holds is available through the CAT.
 - 1. If the subject is not in need of medical emergency treatments, officers may request CAT to respond. Once CAT arrives and concludes their evaluation they will handle the transportation and commitment.
- (b) If CAT is unavailable, WestComm will contact ETS at (714) 834-6900. Once bed space is confirmed, the officer will transport the subject to the ETS facility at 1030 W. Warner Avenue, Santa Ana.
 - 1. Complete application for emergency admission (Welfare and Institutions Code § 5150) and describe the objective symptoms/behavior justifying emergency commitment.
 - (a) Except as noted for intoxicated persons as outlined above, it is the policy of ETS to accept any mental health lodging pursuant to Welfare and Institutions Code § 5150 from a police officer.
 - (b) The mode of transportation will be dependent upon the subject's condition and circumstances surrounding the incident. Generally, those subjects in need of medical care and those who are violent should be transported via ambulance.
 - 2. The lodging officer may indicate on the Welfare and Institutions Code § 5150 lodging form that criminal charges may be filed on the person and that the officer is to be notified if the person is either not detained or is to be released prior to the 72 hour evaluation period.
 - (a) The hospital shall make the above notification via phone to the Watch Commander prior to the subject's release from treatment.

419.4.3 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 §

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5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

419.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have WestComm 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.

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.

419.7 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).

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419.7.1 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 Criminal Investigations 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.

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/Office] 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/Office] 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.

If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with the content 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.

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 § 12021.3(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 § 12021.3(g)).

419.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- (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.

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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.

419.9 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.

419.10 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.

419.10.1 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).

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 Cypress 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 persons 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 he/she deems necessary to ensure that the defendant understands his/her 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.

421.4 NON-RELEASE

Cite and Release Policy

421.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) 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)

421.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
 1. The Cypress Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

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- (e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).
- (f) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (g) 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.
- (h) 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.
- (i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (j) 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. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
 - (a) Previous failure to appear is on record
 - (b) The person lacks ties to the area, such as a residence, job, or family
 - (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

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 Bureau.

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 him/herself or others due to intoxication or being under the influence of drugs or narcotics.

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- (f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.
- (g) The person has other ineligible charges pending against him/her.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

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

421.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Cypress City codes
- Other violations as deemed appropriate by the District Attorney's Office (e.g., Business and Professions Code violation)

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Criminal Investigations Bureau for further action including diversion.

421.7 REQUESTING CASE NUMBERS

- (a) All violations of the law deemed an infraction can be processed without including a Department Report (DR) number on the citation. Some misdemeanor Vehicle Code and Penal Code violations (.g., Vehicle Code §§ 12500a, 14601, 4462.5, etc., Penal Code §11357(b)) may be treated as infractions by the courts and they too can be processed without assigning a DR number to the incident. However, when these lesser type of misdemeanor violations involve towing or storing a vehicle, booking property into evidence (with the exceptions mentioned above), or having the suspect being brought to the Temporary Holding Facility, then a DR number shall be assigned to the incident.
- (b) All other misdemeanor violations, including all Cypress City Code sections and felony violations will require a DR number to properly track them for court.
 1. Reports for Vehicle Code and Cypress City Code violations can be written on the reverse side of the court copy of the citation. The officer should then copy the notes on the back of the Record's copy for later testimony.

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- (c) This section does not preclude an employee from requesting a DR number if he/she feels the situation should be documented more thoroughly in a police report.

Foreign Diplomatic and Consular Representatives

423.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Cypress Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

423.2 POLICY

The Cypress 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.

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423.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 1. Diplomatic-level staff of missions to international organizations and recognized family members
 2. Diplomatic agents and recognized family members
 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 2. Support staff of missions to international organizations
 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 4. Honorary consular officers
 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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Foreign Diplomatic and Consular Representatives

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:

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

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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:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

425.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

425.2 POLICY

The Cypress Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

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

425.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.

Rapid Response and Deployment

- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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

425.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

425.5 PLANNING

The Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

Rapid Response and Deployment

425.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Mexican Consulate ID Cards

428.1 PURPOSE AND SCOPE

The Mexican Consulate in Orange County has asked the Orange County Chiefs of Police and Sheriff Association to start accepting these Mexican Consulate Identification Cards (Matriculas) as one form of identification for Mexican nationals, irrespective of legal residency or American citizenship. The Chiefs Association has approved the request and acceptance of these ID cards under certain circumstances. Therefore, the purpose of this policy is to provide employees of the Cypress Police Department with guidelines for acceptance of the Mexican Consulate Identification Cards.

428.2 POLICY

Employees of the Cypress Police Department may, at their discretion and based on each individual circumstance, accept Mexican Consulate Identification Cards (otherwise known as Matriculas Consulares) as one form of identification. Should there be a question as to the legitimacy of the identification card, the consulate may be contacted at (714) 835-3069; 835-3749; 835-0042; or via pager at (800) 704-2337, pin #508185. Should the officer receive what he/she believes are forged documents and or identification cards, they shall be confiscated.

In order for the identification card to be valid, it must have a serial number above the holder's name as well as the front of the card; the name and signature of the consular officer, as well as a stamp with the name and position of the signing consular officer; a photograph of the card holder; and expiration date (good for five years); and the signature of the holder. Please refer to the sample in the next section.

428.3 MEXICAN CONSULATE IDENTIFICATION CARD SAMPLE

Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Cypress Police Department relating to immigration and interacting with federal immigration officials.

428.2 POLICY

It is the policy of the Cypress 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.

428.3 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.

428.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

428.5 TRAINING

The Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.
- (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

428.6 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Immigration Violations

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Bureau supervisor assigned to oversee the handling of any related case. The Criminal Investigations Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 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 and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

428.6.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

428.6.2 REPORTING TO LEGISLATURE

The Criminal Investigations Bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

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428.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

428.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state penitentiary.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification or transfer request along with information as to whether the Cypress Police Department intends to comply with the request (Government Code § 7283.1).

If the Cypress Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

Immigration Violations

428.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Cypress Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

428.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist:

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.8 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

428.9 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 who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 UCS § 1326(a) (unlawful reentry) that may be subject to enhancement may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal violation of federal immigration laws (Government Code § 7284.6).

Immigration Violations

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

428.9.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a), the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

Lead Police Officer Responsibilities

432.1 PURPOSE AND SCOPE

The Lead Police Officer (LPO) Program is a voluntary program designed to assist and develop our employees as part of a larger, professional development program. The LPO position is a recognized position of authority above the rank of officer and below the rank of Officer in Charge.

The program will formally recognize officers / detectives who have developed their skills and demonstrate a propensity for further responsibility in the organization. The responsibilities of the position include being a Field Training Officer, functioning as a leader and mentor in their assignment, and may include acting as the supervisor in the absence of a Officer in Charge. The LPO will assist the supervisor in monitoring field and jail activities, being a community liaison, and developing and implementing training plans, among other duties as assigned.

The intent of the program is to provide the opportunity to develop the basic principles of supervision and leadership, and to teach the abilities needed to perform various supervisory duties so that they may be prepared for more complex leadership skills and/or promotion within the department.

The Lead Police Officer Program is designed to enhance our agency's effectiveness in providing core services. This will be accomplished by providing a structured training environment; encouraging positive relationships with the community; creating a high level of professionalism; and lastly, establishing a formal mentoring component.

432.2 LEAD POLICE OFFICER AS ACTING SUPERVISORS

- (a) Lead Police Officers may handle supervisory responsibilities when a Officer in Charge is on-duty and in-service, but temporarily unavailable. During these periods, the LPO will share the same responsibility and authority of the supervisor. These responsibilities include, but are not limited to, team briefings, equipment inspections, answering job-related questions, disseminating information, directing and controlling incident scenes, and visiting scenes of police activity to assist and provide oversight of police operations, coach officers, and review reports prepared by officers.
- (b) Under direction and guidance from a supervisor, Lead Police Officers may be assigned to investigate minor incidents involving a potential claim against the City, and complete all necessary reports.
- (c) With supervisory oversight, LPOs may approve routine written work, such as crime reports, traffic collisions, citations, field interview cards, etc. The supervisor may elect to conduct training wherein the LPO is afforded the opportunity to review, but not approve, administrative documents related to use of force, pursuits, or claims against the city memorandums. At no time will an LPO review or approve documentation of a critical nature, such as personnel complaints (IA / CMP), timecards, or documents deemed confidential. LPOs may not issue employee comment cards.

Lead Police Officer Responsibilities

- (d) May be assigned to other duties as directed by a supervisor.

432.3 LEAD POLICE OFFICERS EXPECTATIONS

- (a) Lead Police Officers shall lead by example and continue to perform all functions normally associated with that of their primary assignments (police, detectives, traffic, and administration).
- (b) Lead Police Officers may be assigned collateral duties and shall be responsible for maintaining those duties.
- (c) Lead Police Officers are expected to set positive examples by promoting department standards, policies, and procedures, and, at every opportunity, advancing morale and commitment to the organization.
- (d) Lead Police Officers are expected to maintain high standards of proficiency, continuously seek opportunities for improvement, and should make the training and development of all employees one of their primary missions.
- (e) Lead Police Officers should further develop their training skills and abilities by identifying, developing and providing training within the organization.
- (f) Lead Police Officers shall maintain certification as Field Training Officers.
- (g) Lead Police Officers shall maintain satisfactory or above performance evaluations.
- (h) Lead Police Officers shall be held accountable for the expectations and responsibilities described in this policy.
- (i) Upon appointment to the position of LPO, the LPO shall read and sign a copy of this policy to commemorate their commitment to this program. The signed copy shall be placed in the LPO's personnel file.
- (j) Unless previously completed, all persons appointed to the LPO program shall complete the California Peace Officers Association (CPOA) Leadership Program within twelve months of their commencement date.
- (k) Lead Police Officers will attend LPO meetings, unless excused in advance by the LPO Officer in Charge.

432.4 LEAD POLICE OFFICERS TRAINING

- (a) Officers assigned to the position of Lead Police Officer have been selected as a result of their demonstrated leadership abilities, as well as their desire to further develop their leadership skills. The organization will provide as many training opportunities as possible to enhance and build upon these skills and abilities.

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- (b) Lead Police Officers will be trained by the team Officer in Charges to whom they are assigned. Sergeants will utilize the Lead Police Officer Manual as the primary training guide established to teach and develop those appointed to the LPO position.

432.5 MINIMUM REQUIREMENTS FOR THE POSITION OF LEAD POLICE OFFICER

- (a) Must have four years of sworn service, including three years at the Cypress Police Department.
- (b) Must be a Field Training Officer in good standing.
- (c) Must have at least three years of satisfactory or higher performance evaluations.
- (d) Must participate in 360 evaluations by their peers and supervisors during the application process and thereafter when the program is reviewed by the respective division commander.
- (e) Must complete a resume as part of the application process.
- (f) Must sign a commitment contract to the LPO program.
- (g) Must attend the California Peace Officers Association (CPOA) Leadership Academy. Schedule permitting, this will be completed within the first twelve months after appointment to the LPO program.

432.6 LEAD POLICE OFFICER PROGRAM SUPERVISOR

The LPO supervisor should be selected from the rank of sergeant or above by the Operations Division Commander.

The responsibilities of the LPO Program Supervisor include the following:

- (a) Manage overall LPO Program.
- (b) Facilitate and coordinate testing processes and selection of new LPOs to the program.
- (c) Develop and facilitate LPO training sessions / meetings.
- (d) Maintain and update LPO training manual and policy.
- (e) Monitor individual LPO performance.
- (f) Maintain constant communication with the LPOs immediate supervisor to ensure consistent and effective training of the LPOs.

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 Cypress Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

435.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

- (a) Determine the nature and extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the Coroner's office is notified if a death occurs.
- (g) Establish a command post.
- (h) Establish a media location.
- (i) Plan for the relief of on-scene personnel and equipment.
- (j) Maintain constant communication with the Watch Commander.

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Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

435.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

435.2.3 WESTCOMM RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire Department.
- (b) The affected airport tower.
- (c) Closest military base if a military aircraft is involved.
- (d) Ambulances or other assistance as required.

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When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

435.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for the following:

- (a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics.
- (b) Forward a copy of the report to the Operations Division Commander and the manager of the affected airport.

435.2.5 WATCH COMMANDER'S RESPONSIBILITIES

- (a) Notify the division commanders, Chief of Police and PIO in a timely manner.
- (b) Facilitate the use of the mobile command vehicle.
- (c) If appropriate, consult with the Operations Division Commander and Chief of Police about activation of the EOC.
- (d) If appropriate, divert personnel to the scene of the accident and liaison with neighboring agencies to field calls for service.

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 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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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.

435.5 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.

435.6 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)

435.7 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

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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.

435.8 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.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

435.9 DOCUMENTATION

All aircraft accidents occurring within the City of Cypress 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 CYPD 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.

435.9.1 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.

435.9.2 WITNESSES

Members tasked with contacting witnesses should obtain:

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- (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.

Field Training Officer Program

437.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Cypress Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

437.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills. The FTO is expected to serve as a mentor beyond the formal FTO training period.

437.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Must have completed probation, consistent with the Special Assignment Policy
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors
- (f) Possess a POST Basic certificate

437.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

437.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

Field Training Officer Program

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

437.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Cypress Police Department who has successfully completed a POST approved Basic Academy.

437.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

437.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

437.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-training performance evaluation on his/her assigned trainee at the end of training.

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- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

437.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Supervisor.

437.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Supervisor will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

437.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

437.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports
- (b) FTO Manual
- (c) A copy of the memorandum to the Chief of Police recommending the end of training and the continuation of his/her probationary period
- (d) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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. While it is recognized that the availability of the 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.

The Anaheim Police Department, Huntington Beach Police Department, Orange County Sheriff's Department and the California Highway Patrol maintain helicopter units that do not charge other agencies for their services.

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.

439.2.3 PROTOCOL FOR REQUESTING POLICE HELICOPTER ASSISTANCE

- (a) "Routine" requests for helicopter assistance, other than the emergency mutual aid situations outlined in Policy Manual § 438.2.3 (b), should be directed via WestComm

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to the Anaheim Police Department, Huntington Beach Police Department, Orange County Sheriff's Department, or the California Highway Patrol.

- (b) The approval of a field supervisor or Watch Commander is required for "routine" requests.

439.2.4 PRE-PLANNED HELICOPTER ASSISTANCE

There are times when the use of a helicopter is planned in advance of an operation, such as a long surveillance, or service of a high-risk search warrant. In these instances, the respective division commander, or his/her designee, shall be apprised and give approval prior to the request being made for helicopter assistance.

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 Cypress 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 Cypress 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 being photographed 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.

441.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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441.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

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

441.7 DISPOSITION OF PHOTOGRAPHS

All cameras and memory storage media used for field photographs will be processed according to the Computers and Digital Evidence Policy and the Film Evidentiary Log (PD-158) form will be labeled with the associated FI card or department report number explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, any associated report numbers shall be referenced on the Film Evidentiary Log (PD-158).

When a photograph is taken in association with a particular case, the detective may use a copy of the photograph in a photo lineup. Thereafter, the copy should be retained as a part of the case file.

All photos will be retained in the Digital Image Management System (DIMS) per the Computers and Digital Evidence Policy.

441.7.1 PURGING THE FIELD PHOTO FILE

The Criminal Investigations Bureau Sergeant will be responsible for ensuring that photographs maintained in DIMS that are more than one year old and no longer serve a law enforcement

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purpose are periodically purged. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Cypress Police Department and the booking file remains in DIMS.

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443.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Cypress Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

443.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

443.2 POLICY

The Cypress 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.

443.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any

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supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

443.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

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It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

443.3.3 IDENTIFICATION OF CRIMINAL STREET GANGS/PARTICIPANTS

The Gang Information Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
 - 1. They have a common name or common identifying sign or symbol.
 - 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in this policy.
 - 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in this policy.
 - 4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Gang Information Unit member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:
 - 1. An individual admits membership in a criminal street gang.
 - 2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
 - 3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
 - 4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
 - 5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.

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6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
 7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 CFR 23.20.
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

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 criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

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:

- (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 Bureau or Property and Evidence, but should be copies of, or references to, retained documents such as copies of reports, FI forms, WestComm 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.

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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 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.

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.

443.7 REVIEW AND PURGING OF GANG PARTICIPANT FILE

The file shall be reviewed annually by the responsible detective. Each individual file having no entry indicating law enforcement contact for the preceding year's period shall be purged from the file and disposed of in accordance with the department purge criteria.

Exception: In the event there is a legitimate law enforcement reason to retain the information in the file, an explanation for doing so shall be entered in the file by the responsible detective. Files that are retained beyond the one-year period shall be reviewed every six months to determine if they should be purged.

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443.8 CRIMINAL STREET GANGS

The Criminal Investigations Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

443.9 TRAINING

The 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.
- (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.

443.9.1 SHARED GANG DATABASE TRAINING

The 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 Sergeant heads each watch.

445.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Sergeant is temporarily unavailable for duty as Watch Commander, in most instances an officer designated as a Lead Patrol Officer (LPO) - per policy manual §431, shall be assigned as acting Watch Commander. Only those fully trained in the LPO duties will be eligible to serve in this capacity.

Mobile Audio/Video

447.1 PURPOSE AND SCOPE

The Cypress Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

447.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

447.2 POLICY

It is the policy of the Cypress Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

447.2.1 PRE-EVENT RECORDING

The MAV Flashback™ system has a pre-event recording feature wherein the system is in a continuous thirty (30) second video recording loop. This means every event that is captured by activation of one of the MAV triggers captures thirty (30) seconds prior to the officer-initiated activation. This becomes helpful when violations are observed prior to activation of a triggering mechanism. No audio is captured during pre-event recording.

447.2.2 SPEED TRIGGER

The speed trigger activates the RECORD mode whenever the patrol unit reaches a designated speed. The MAV Flashback™ system speed trigger will be set at 75 MPH as decided by the Chief of Police.

447.2.3 REAR SEAT CAMERA AND MICROPHONE

Each patrol unit is equipped with a rear seat, wide-angle camera. It has a wide-angle lens and its own infrared illumination source to allow recording in total darkness. The rear camera records in color during the day and in black and white during the night. The MAV Flashback™ system

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records the back seat whenever the forward facing camera is recording; however, it only captures one frame per second of video and plays back much like a slide show.

The rear-facing camera is also equipped with a microphone. The in-car microphone records whenever the forward facing camera is recording. The rear seat camera and microphone can be used to record both activities in the back seat and/or audio from within the interior of the patrol unit.

447.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer logging into the MDC system. Their identifying information is automatically provided to the MAV system. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

For the in-car MAV Flashback™ system, there is no power switch interaction needed. The MAV automatically turns on when the engine is started and automatically turns off when the engine is turned off unless uploading of video is occurring or the MAV is in RECORD mode. The MAV Flashback™ system will automatically power off when uploading of video is complete.

447.3.1 WIRELESS TRANSMITTER

Each officer assigned to patrol will be assigned a personal wireless transmitter. It will be the responsibility of the officer to ensure that the transmitter is fully charged and in working order. In the event the transmitter does not work or will not hold an adequate charge, the transmitter shall be taken out of service and an Equipment Repair Request form (PD-3) completed. The MAV system administrator will issue a new transmitter. The on-duty Watch Commander can issue a temporary transmitter to be used until the personal transmitter is repaired or replaced.

Officers can choose to carry the wireless transmitter in a black basket weave or black plastic holder which will be provided by the Department. Alternatively, officers can choose to wear the transmitter in a shirt pocket.

The transmitter is equipped with an internal microphone. In the event audio is difficult to hear, the officer may choose to wear the provided tethered microphone. If after time it becomes necessary to wear the tethered microphone due to incidents being difficult to hear during playback, officers will be expected to wear the microphone. This will be on a case-by-case basis to be determined after initial system deployment.

An off-duty officer can charge the transmitter by utilizing the AC charging cradle installed in each patrol bag locker located in the exterior property room. These cradles will remain inside the patrol bag locker and not be removed without approval from the MAV system administrator. Cradles will

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be issued to officers based on their unique needs to charge their transmitter at a location other than the patrol bag locker room (e.g. canine handlers and motor officers).

Transmitters are designed to work in any car simply by docking it in the transmitter cradle of the desired patrol unit. The transmitters use an intelligent frequency selection so that transmitters from multiple cars will not interfere with each other.

Prior to the start of his/her shift, an officer must synchronize his/her personal, wireless transmitter to the patrol unit of choice. Simply dock the transmitter in the cradle, wait for the cradle lights to cycle, and undock the transmitter from the cradle. Test the transmitter to ensure synchronization occurred by activating the transmitter and ensuring it triggers the recording of the MAV Flashback™ system.

Spare transmitters are kept in the radio cabinet in the event a transmitter needs replacement or if a battery is no longer functional. The on-duty Watch Commander can assign officers a temporary transmitter. Malfunctioning transmitters should be submitted to the MAV system administrator along with an Equipment Repair Request form describing the problem.

447.3.2 WIRELESS UPLOADING

Part of the infrastructure of the MAV Flashback™ system is the wireless uploading system. There are three access points located around the police facility that will automatically upload video to the storage server when each police unit is in range of the access points. The system is programmed to handle load balancing; therefore, more than one access point can upload video from the police units.

In the event the MAV Flashback™ system is full of recorded video and no uploading occurred, the officer shall notify the on-duty Watch Commander who can swap out the full MAV flashcard and replace it with an empty flashcard. The full flashcard will then be submitted to the MAV system administrator for manual uploading to the MAV Flashback™ storage server. The officer also must complete a BO slip indicating the MAV system did not upload to the server wirelessly and the flashcard had to be changed out.

447.4 ACTIVATION OF THE MAV

There are several ways video and audio recording is initiated. The RECORD mode can be activated manually by pressing the "R" button on the monitor console or automatically by any triggering mechanism such as the wireless transmitter, activation of the Unitrol® (minimum solid, forward red light), patrol unit speed (triggered at 75 MPH), or by the crash sensor.

447.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject

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to the same activation requirements as the MAV. The MAV system shall be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DUI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify WestComm
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

447.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

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Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

447.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

447.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of WestComm.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 1. The tracking number of the MAV system media.
 2. The date it was issued.
 3. The law enforcement operator or the vehicle to which it was issued.
 4. The date it was submitted.
 5. Law enforcement operators submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by employees is assessed and reviewed by the supervisor on a weekly basis.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

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447.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
 - 1. At the conclusion of a code-3 response
 - 2. At the conclusion of all pursuits
 - 3. After any use of force incident.
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the respective division commander to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MAV recording belonging to another officer should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV system administrator for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

447.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

447.7 RECORDING MEDIA STORAGE AND INTEGRITY

447.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Once downloaded, all video and audio recordings will be retained for a minimum of the current year plus 13 months, after which time they will be erased, destroyed, or recycled (Government Code § 34090.6).

In the event a DVD copy of an incident is needed for a legitimate, law enforcement-related purpose, a request will be submitted to the MAV system administrator, who will then provide the requester with a DVD copy. A copy of the original video recording will be made only for those who are authorized in Policy Manual § 446.5. An original video recording may only be released in response to a valid court order or upon approval by the Chief of Police or his designee. Any misuse of the recording is grounds for discipline. Examples of misuse would be, but are not limited to the following: unauthorized release to the media, Internet posting, etc.

447.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Cypress Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

447.8 MAV SYSTEM ADMINISTRATOR RESPONSIBILITIES

The MAV system administrator is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 1. Ensures it is stored in a secure location with authorized controlled access.
 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 1. Pursuant to a court order.
 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

Mobile Audio/Video

447.9 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Digital Computer Use

449.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and WestComm.

449.2 EQUIPMENT CONSIDERATIONS

449.2.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify WestComm. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

449.2.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

449.2.3 USE AND CARE

- (a) Employees shall not use or install personal computer hardware or software on the MDC, unless receiving prior approval from a supervisor.
- (b) Employees shall not move, alter, connect, disconnect, install, uninstall, or otherwise tamper with the MDC hardware, software, or cabling, unless receiving prior approval from a supervisor.
- (c) Employees shall share in the responsibility to protect the MDCs from physical and environmental damage.
- (d) Officers have the ability to unlock and remove the MDCs from the vehicle mounts to allow for remote report writing and other functions in the field. When undocked, the MDC computer shall remain in the custody of the officer and the officer shall ensure the security of both the MDC and the information contained/accessible on the screen.

449.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

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449.4 POLICY

Cypress Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

449.5 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

449.5.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. Operators should not attempt to send or review lengthy messages while the vehicle is in motion.

449.6 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.

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- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

449.6.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

449.6.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

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 Cypress Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

451.2 POLICY

The Cypress Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

451.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

Absent legal cause or lawful order, no member of this department may surreptitiously record (using any recording device) any other member of this department without the prior expressed knowledge and consent of all parties.

451.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. The DAR will be carried upon the person in a manner that will allow for easy operation without impairing the capabilities of the equipment. If, during the DAR user's shift, an event is recorded, the contents shall be downloaded onto the computer for storage as soon as practical.

Any CIB member should carry a department issued DAR at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

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Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

451.4.1 ACTIVATION OF DAR

There are many situations where the use of the DAR is appropriate. This policy is not intended to describe every possible situation where use of the equipment may be appropriate. Officers may activate the DAR any time they feel its use would be appropriate and/or valuable to document an incident. In the event the MAV is not working, use of the DAR is required in all instances where the MAV would be required.

The DAR shall be used to record suspect and victim interviews in all felony crimes.

The following examples are situations where the use of the DAR to obtain a recording is strongly recommended:

- (a) All field contacts involving actual or potential criminal conduct, which includes:
 - 1. Traffic and parking contacts.
 - 2. Arrests.
 - 3. Pedestrian checks.
 - 4. DUI investigations including field sobriety tests.
 - 5. Consensual encounters.
 - 6. Suspicious vehicles.
- (b) All self-initiated activity in which an officer would normally notify dispatch.
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
 - 1. Domestic violence calls.
 - 2. Disturbance of peace calls.
 - 3. Offenses involving violence or weapons.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording, unless the MAV is already activated. When practical, the use of both the DAR and MAV is recommended.

Once the DAR is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all citations have been issued, all arrests have been made, arrestees have been removed from the scene or situation, and all witnesses, victims, etc. have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.

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451.4.2 SUPERVISOR RESPONSIBILITIES

When body-worn cameras are utilized, supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

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 WestComm
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

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 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

451.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits

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the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

451.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

451.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members 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. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

451.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

451.7 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.

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- (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 DOCUMENTING DAR USE

In any incident where a report has been taken and was recorded by DAR, the use of DAR shall be documented in the officer's report. If a citation was issued or a field interview card was completed, a notation shall be placed on the back of the records copy that the incident was recorded.

451.9 DAR RECORDINGS STORAGE & INTEGRITY

After DAR recordings have been downloaded to the designated computer by the DAR user, they shall be stored in a folder accessible only by the program administrator or his/her designee. Original files created by the download process shall be stored in this folder until such time as the data is transferred to archival storage media.

Every six months the contents of the folder shall be archived to archival storage media. The archival storage media shall be labeled to include the month and year the file was archived and shall be stored in a secure area for a period of five years.

451.9.1 COPIES OF ORIGINAL STORAGE MEDIA

No original storage media may be used for any purpose other than for initial review by a supervisor or DAR user. A copy of the stored original audio recording will be made upon proper request for any person authorized in the Member Responsibilities section of this policy.

Copies of original recordings may only be released in response to a valid court order or upon approval by the Chief of Police or authorized designee. In the event that an original archival storage media disk is released to court, a copy shall be made and placed in storage until the original is returned.

451.9.2 DAR STORAGE MEDIA AS EVIDENCE

Only in exceptional circumstances will original storage media be booked into evidence. The exceptions would include a major event such as a homicide or as directed by the Division Commander or designee. If the storage media is booked into evidence, it shall be booked in the same manner as regular property and referenced in the police report.

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451.9.3 DESIGNATING ARCHIVAL STORAGE MEDIA FOR RETENTION

Certain events retained on archival storage media may be retained for more than the minimum five years if a supervisor or the DAR user believes that an event may be of value for court purposes, etc.

451.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

451.11 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.

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- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

451.12 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the Cypress Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

451.12.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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.

453.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the State Department of Health Services to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than eight ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered).

Medical Marijuana

453.2 POLICY

It is the policy of the Cypress 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 Cypress 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. 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 reasonable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

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.

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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.
 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.

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- (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, the climate, etc.
- (c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, the Bureau of Medical Marijuana Regulation or other member with special knowledge in this area and/or appropriate legal counsel. Licensing, zoning and other related issues can be complex. Patients, primary caregivers and cardholders who collectively or cooperatively cultivate marijuana for medical purposes are provided a defense under MMP (Health & Safety Code § 11362.775; Business and Professions Code § 19320 et seq.).
- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

453.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
 - 1. In any place where smoking is prohibited by law.
 - 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 - 3. On a school bus.
 - 4. While in a motor vehicle that is being operated.
 - 5. While operating a boat.

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- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

453.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the Bureau of Medical Marijuana Regulation 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 § 19317; Business and Professions Code § 19319).

453.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

453.5 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

The Property and Evidence Supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Bureau Supervisor.

Foot Pursuits

456.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

456.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

456.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

456.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.

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- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

456.5 RESPONSIBILITIES IN FOOT PURSUITS

456.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify WestComm of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

456.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

456.5.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor should make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit or ensure that these matters are being addressed by a qualified officer. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

When practicable, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

456.5.4 WESTCOMM RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel typically will notify the field supervisor and provide available information. WestComm personnel are also responsible for the following:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing officer as needed.
- (c) Relay all pertinent information to responding personnel.
- (d) Contact additional resources as directed by a supervisor.
- (e) Coordinate response of additional resources to assist with the foot pursuit.

456.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

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- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Naloxone Program

463.1 PURPOSE AND SCOPE

Department members are occasionally the first responders to a person who is experiencing or suspected of experiencing an opioid-related overdose. The purpose of this policy is to establish procedures to govern an overdose prevention program through the deployment of Naloxone to Department members. The objective is to reduce injuries and fatalities resulting from opioid overdoses, in the instances where emergency medical personnel are not on scene for patient assessment.

463.2 POLICY

It is the policy of this department that members shall be trained to administer Naloxone in accordance with mandated training guidelines as determined and established by the Orange County Health Care Agency/Emergency Medical Service (HCA/EMS) pursuant to Health & Safety Code 1797.197 and California Civil Code 1714.22.

(a) Members who are trained in accordance with mandated training guidelines should be issued Naloxone kits. However, the member will retain the discretion to administer or not administer Naloxone to persons experiencing or suspected of experiencing opioid-related overdoses. There is no legal obligation to administer Naloxone.

(b) Members who administer Naloxone, are protected from civil and criminal liability if they “act with reasonable care” and “in good faith.” This is accomplished by administering Naloxone according to established training protocol.

(c) If a member has a valid reason for not participating in the program, such as religious objections, the member will be excused with the approval of his/her Division Commander.

463.3 PROGRAM COORDINATOR

The Personnel & Training Sergeant will serve as the Department’s Program Coordinator and will work in collaboration with HCA/EMS. The Program Coordinator will be responsible for tracking, storage, maintenance, and replacement of Naloxone kits.

463.4 TRAINING

INITIAL TRAINING

Members may not administer Naloxone without the completion of mandated training by HCA/EMS. All participating members will receive initial training that will include, at a minimum, an overview of California Civil Code 1714.22, patient assessment (signs/symptomology of overdose), universal precautions, rescue breathing, seeking medical attention, and the use of intra-nasal Naloxone. Upon completion of training, members will have their training recorded with the Training Bureau.

Members will receive refresher training as deemed appropriate by HCA/EMS.

Naloxone Program

463.5 NALOXONE DEPLOYMENT

The Department will issue Naloxone kits to members who have completed the required training and have been approved by the Program Coordinator.

463.6 NALOXONE KITS

Members assigned to patrol who have been issued a Naloxone kit shall have the kit readily available for use during their shift. Naloxone kits will include at a minimum: gloves, protective eye shield/glasses, atomizer, and Naloxone.

463.7 NALOXONE STORAGE

Naloxone kits should not be kept in vehicles for extended periods of time. Kits should not be stored in vehicle trunks since high temperatures can degrade Naloxone effectiveness.

463.8 NALOXONE USE

Members who have completed mandated Naloxone training by HCA/EMS are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose. Personnel will treat the incident as a medical emergency and shall follow these steps when performing this intervention:

- (a) Confirm emergency personnel are responding;
- (b) Maintain universal precautions;
- (c) Perform patient assessment;
- (d) Determine unresponsiveness;
- (e) Update dispatch of potential overdose state;
- (f) Follow Naloxone use protocol;
- (g) Immediately notify responding emergency medical personnel that Naloxone has been administered; and
- (h) Notify their Supervisor as soon as reasonable.
- (i) Contact the Training Bureau for kit replacement.

463.9 DOCUMENTATION/NALOXONE REPORTS

Upon completion of the incident, the Naloxone deploying member shall complete a police report detailing the nature of the incident, the care the patient received, the fact Naloxone was deployed and who the patient was released to.

The Patrol Watch Commander will ensure the police report is completed, submitted, and forwarded to the Program Coordinator. The Program Coordinator will notify HCA/EMS that Naloxone was used.

Naloxone Program

463.10 MAINTENANCE AND REPLACEMENT

It is the responsibility of members to ensure their respective kits are minimally supplied and serviceable. Members working patrol shall ensure kit readiness for deployment prior to their patrol shift. Used, lost, or damaged items within the Naloxone kits shall be reported to their immediate supervisor and the kit returned to the Training Bureau for replacement.

Automated License Plate Readers (ALPRs)

464.1 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.

464.2 POLICY

The policy of the Cypress 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.

464.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Cypress 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 Support Services Division Commander in coordination with the Anaheim Police Department and the UASI Working Group. The Support Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

464.3.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.

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- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

464.4 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.

464.5 DATA COLLECTION AND RETENTION

The Support Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a 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.

464.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Cypress 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):

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- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

464.7 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 Support Services Division 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).

464.8 TRAINING

The Training Sergeant should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Homeless Persons

465.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Cypress Police Department recognizes that members of the homeless community are often in need of special protection and services. The Cypress Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

465.1.1 POLICY

It is the policy of the Cypress Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

465.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

Homeless Persons

465.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

465.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

465.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

465.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

465.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Public Recording of Law Enforcement Activity

466.1 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.

466.2 POLICY

The Cypress 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.

466.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

466.4 OFFICER RESPONSE

Officers should promptly request 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.

466.5 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.

466.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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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.

Civil Disputes

467.1 PURPOSE AND SCOPE

This policy provides members of the Cypress 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.

467.2 POLICY

The Cypress Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

467.3 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.

Civil Disputes

467.4 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.

467.4.1 STANDBY REQUESTS

An 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, unless it is clear that the requesting person has legal authority to enter the location..

467.5 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 in an appropriate dispatch log or incident report.

Civil Disputes

467.6 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.

Suspicious Activity Reporting

468.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

468.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. 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 should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

468.2 POLICY

The Cypress 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.

468.3 RESPONSIBILITIES

The Support Services Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Support Services Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

468.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity 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 such information 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 and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

468.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Criminal Investigations Bureau supervisor
- Other authorized designees

First Amendment Assemblies

469.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

469.2 POLICY

The Cypress 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.

469.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

469.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos should 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.

469.4 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 WestComm if the event is determined to be of such a nature to require additional resources. A supervisor should be advised and if the supervisor determines additional resources are needed, they should be requested as appropriate. If 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) may be established if necessary as resources are deployed.

469.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

469.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

469.5.2 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.

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- (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.

469.5.3 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 Mutual Aid and Outside Agency Assistance Policy).

469.6 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.

469.7 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 TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to

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harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

469.8 ARRESTS

The Cypress 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).

469.9 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).

469.10 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.

469.11 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, WestComm records/tapes
- (g) Media accounts (print and broadcast media)

469.11.1 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.

469.12 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.

Medical Aid and Response

470.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

470.2 POLICY

It is the policy of the Cypress Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

470.3 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 WestComm 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 WestComm with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

470.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

470.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

470.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

470.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

470.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course and authorized by the Orange County Emergency Medical Services Agency (OCEMSA) (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

470.8.1 AED ASSIGNMENT

There are several AEDs available for patrol use. The AEDs may be stored in a patrol vehicle or various location within the Department. If there is a pre-planned, high-risk event (e.g., search

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warrant, tactical operation, extremely physical or stressful training program), an AED may be assigned to a participating member or vehicle for quick access.

470.8.2 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact WestComm as soon as possible and request response by EMS.

470.8.3 AED REPORTING

Any member using an AED will complete an incident report detailing its use and the required OCHCA-EMS AED Use Event Summary form.

470.8.4 AED RESCUE DATA

After an actual or attempted AED use, the AED will be forwarded with the OCHCA-EMS AED Use Event Summary form to the Personnel and Training Sergeant to ensure that the rescue data has been properly downloaded, copied and forwarded with the form to OCEMSA.

470.8.5 AED TRAINING AND MAINTENANCE

The Personnel and Training Sergeant should ensure appropriate training and refresher training as required by OCEMSA every two years is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Sergeant or authorized designee 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).

470.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

470.10 FIRST AID TRAINING

The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

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 Cypress 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

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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.

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.

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- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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.

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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.
- (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 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian 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

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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 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).

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 accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Cypress Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code §§ 41602 and 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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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.
- (d) When applicable, equipment correction, inspection and sign-off procedure.

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 et seq, 12500a, or 14602a. The officer may store the vehicle per Policy Manual § 510 - Vehicle Towing and Release Policy.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver's license and the traffic violator still has his/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

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by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Cypress Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Division Commander or other persons as required. Copies of all traffic reports are sent to California Statewide Integrated Traffic Reporting System by Records.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a city-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a city vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander within 24 hours.

Photographs of the collision scene and vehicle damage shall be taken.

502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Cypress Police Department resulting in a DUI, hit and run, serious injury or fatality, the Traffic Unit Supervisor or Watch Commander, shall notify the respective division commander and a request for assistance from an outside agency will be made. If the traffic collision involves the California Highway Patrol, the division commander may request assistance from a neighboring agency. It shall be the discretion of the division commander to request outside assistance when the accident involves potential conflicts of interest (i.e. spouses or children of agency employees, members of our city government, etc.).

The term severe injury is defined as an injury other than a fatal injury which results in broken or dislocated limbs, severe lacerations, or unconsciousness at or when taken from the collision scene. It does not include minor lacerations.

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When an employee of the Police Department is involved in a traffic collision within the city limits of Cypress, where damage is sustained or any complaint of pain or injury occurs, the respective division commander shall be notified and a request for assistance from an outside agency may be requested.

When an on-duty employee of the Police Department is involved in a traffic collision outside the city limits of Cypress, where damage is sustained, a severe injury or fatality occurs, or any complaint of pain or injury occurs, the on-duty Watch Commander shall be responsible for ensuring the respective division commander is notified, along with notifying the local agency of the incident, and requesting a collision investigation be completed.

Employee responsibilities when they are on-duty and/or in a city vehicle:

- (a) Notify WestComm and the field supervisor or Watch Commander, who will in turn call for someone to investigate the collision. Officers are not to take the initial report involving their own collisions.
- (b) Unless safety or the law requires it, do not move vehicles until a supervisor arrives.
- (c) Make no statements to involved parties or witnesses.
- (d) Immediately report any collision-related injury or illness to an immediate supervisor.

Refer to [Policy Manual § 527 - Traffic Collision Review Committee](#) regarding the review process of traffic collisions involving Police Department personnel.

502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Unit Supervisor or on-duty Watch Commander may request assistance from an outside agency for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred after conferring with the Operations Division Commander. It shall be at the discretion of the Operations Division Commander to request outside assistance when the collision involves potential conflicts of interest (i.e. spouses or children of city employees, members of our city government, etc.).

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, a juvenile is involved and the parents cannot be located, or a Vehicle Code violation occurred. A traffic collision report may be taken at the discretion of any supervisor.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision.

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- (b) When a report is requested by any involved driver or at the request of a parent or guardian if an involved party is a juvenile.
- (c) Damage to city property is apparent.
- (d) Intoxicated driver is involved.
- (e) Hit and run collision.
- (f) At the request of another local, state or federal government agency.
- (g) As directed by a supervisor.
- (h) Any involved vehicle or property sustains major damage.
- (i) Any time a driver is found to be unlicensed or driving with a suspended/revoked license.

If none of the above conditions exist, the involved parties may exchange information at the scene as required by law. A department employee may facilitate the exchange of information by filling out a traffic collision information card (PD-77a) and providing a copy to each involved party. In this case, no report number is necessary; however, the log number shall be provided on each card.

Nothing in this policy shall prevent an officer from taking a report when he/she deems one necessary.

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 Unit Supervisor to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Traffic Unit Supervisor, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

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 Cypress Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

Whenever a vehicle is impounded in regards to a criminal investigation or traffic collision requiring further investigation, the respective Criminal Investigations Bureau or Traffic Safety Bureau Sergeant Traffic Sergeant shall be notified via e-mail

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, the city's contract tow company will be requested.

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 city's contract tow company will be requested. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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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

WestComm personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System. Records personnel will verify the vehicle was accurately entered into the Stolen Vehicle System.

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 Records personnel 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

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such individuals by first-class mail (Vehicle Code §§ 22851.3(d), 22852(a), and 14602.6(a)(2)). The notice shall include the following information (Vehicle Code § 22852b):

- (a) The name, address, and telephone number of this department.
- (b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
- (c) The authority and purpose for the removal of the vehicle.
- (d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES

The City of Cypress 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.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 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.

510.7 MANDATORY 30 DAY IMPOUND POLICY

All vehicles meeting the criteria pursuant to § 14602.6 CVC shall be impounded for a period of 30 days.

510.7.1 APPLICATION

The mandatory 30-day impound will apply if the driver has:

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- (a) Never been issued a driver's license; or
- (b) Has had his/her driving privilege suspended/revoked and either admits knowledge of his/her license status, or the Department of Motor Vehicles (DMV) service code on the suspension/revocation notice indicates that he/she has been served.

510.7.2 PROCEDURE

When utilizing the 30-day impound, employees will:

- (a) Record section 14602.6 CVC (30-day impound) on the CHP-180.
- (b) Advise dispatch that it is a 30-day impound.
- (c) Advise the driver that the vehicle is being impounded for 30 days.
- (d) Advise the driver that the release of the vehicle, after 30 days, will require the payment of a vehicle release fee being paid to the Cypress Police Department in addition to any storage fees payable to the tow company.
- (e) Advise the tow company driver that vehicle is a 30-day impound.
- (f) Issue to the registered owner, if present, one of the half sheets behind the CHP-180 (Impound Notice), and check the personally served box on the top of the CHP-180

510.7.3 VEHICLE DISPOSAL

If, after 15 days from the notification, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post-storage hearing has been made, the Department may provide the lien holder storing the vehicle with authorization on an approved DMV form to dispose of any vehicle which the lien holder has determined has an estimated value of \$500 or less.

510.8 REMOVED, DEFACED, ALTERED OR DESTROYED MANUFACTURER'S SERIAL OR IDENTIFICATION NUMBER

Per Vehicle Code § 10751:

- (a) No person shall knowingly buy, sell, offer for sale, receive or have in his possession, any vehicle or component part thereof from which the manufacturer's serial or identification number has been removed, defaced, altered, or destroyed, unless such vehicle or component part has attached thereto an identification number assigned or approved by the CHP/DMV in lieu of the manufacturer's number,
- (b) Whenever such vehicle or component part comes into the custody of a peace officer, it shall be destroyed, sold or otherwise disposed of under the conditions as provided in an order by the court having jurisdiction. Nothing in this section shall; however, preclude the return of such vehicle or parts to the lawful owner thereof following presentation of satisfactory evidence of ownership and assignment of an identification number by the CHP/DMV. This subdivision shall not apply with respect to such a vehicle or component part used as evidence in any criminal action or proceeding,

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- (c) This section shall not apply to a scrap metal processor engaged primarily in the acquisition, processing, and shipment of ferrous and nonferrous scrap, and who receives dismantled vehicles from licensed dismantlers, or licensed junk collectors, or licensed junk dealers as scrap metal for the purpose of recycling the dismantled vehicles for their metallic content, the end product of which is the production of material for recycling and remelting purposes for steel mills, foundries, smelters, and refiners.

510.8.1 OFFICER'S RESPONSIBILITY

- (a) Whenever a vehicle or component part with mutilated or removed identification numbers comes into the custody of an officer, it shall be impounded. This action shall be accomplished only with the approval of a supervisor. Whenever the mutilation or removal is obvious, no enforcement document (i.e., citation) will be issued at the time of the observation. The documents required to be completed under these circumstances are CHP Form 180 and Property Report form (PD-203).
 - 1. As applicable, the initiating officer shall secure items of value as evidence or for safekeeping, prior to impounding the vehicle.
- (b) All vehicles and component part(s), which are seized pursuant to Vehicle Code § 10751, shall be impounded at an appropriate storage facility dependent upon size and number of items seized.
 - 1. Intact motorcycles, motorcycle frames, or engines, will be stored at a site determined in conjunction with a supervisor and/or property officer.
 - 2. In all other situations of impound or storage, vehicles shall be removed to one of the authorized police tow facilities.

510.8.2 WATCH COMMANDER'S RESPONSIBILITY

The Watch Commander shall ensure that all necessary reports are submitted to Records personnel for proper processing.

510.8.3 DETECTIVE UNIT RESPONSIBILITY

- (a) In those instances where a vehicle or component part is impounded, follow-up investigations, which are initiated, shall be the responsibility of the detective assigned to auto theft investigations. During the 60 day period following the impoundment of vehicle(s) or part(s), the detective shall conduct the necessary follow-up investigation to determine whether or not the vehicle or component part(s) fall within one of the below-listed categories.
- (b) Whenever the results of a follow-up investigation indicate that the vehicle is identified as "not stolen," the following procedure shall apply:
 - 1. **Manufacturer's Identity Usable** - If the manufacturer's secondary numbers are satisfactory and in usable condition, an un-numbered replacement VIN

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plate should be used repeating the complete original identification number and attached to the vehicle. Under these circumstances, the individual involved is not referred to DMV and DMV Reg. Form 124 is not required. The detective will advise the lawful owner of the vehicle to contact the local CHP VIN inspection team for completion and verification of DMV Form 256.

2. **New Identity Needed** - If, in the opinion of the detective, circumstances require the assignment of a new identity to a vehicle or component part, the individual involved shall be referred to DMV in order to obtain DMV Reg. Form 124. The vehicle or component part will then be handled in the normal manner and processed by the assigned investigator.
- (c) Whenever the results of a follow-up investigation indicate that the vehicle is identified as "stolen," or "not identified," the following procedure shall be effected:
1. **Identified--Stolen** - If the vehicle is identified and found to be stolen, an appropriate complaint concerning stolen vehicle(s) or part(s) would be filed in accordance with existing procedures.
 2. **Not Identified or Unsatisfactory Ownership** - If the vehicle or part(s) cannot be identified and the detective is not satisfied with the proof of ownership that is offered, he/she shall run appropriate tests to help identify the rightful ownership of the vehicle or component(s).
 - (a) The detective then returns the packet with his/her original Proof of Personal Service attached to the District Attorney's Office via the Court Liaison.
 3. **Satisfactory Ownership Not Identified** - If the vehicle or part(s) cannot be identified, but due to extenuating circumstances the detective is satisfied with the right of possession or ownership, the vehicle can be processed and returned to the assumed owner. This alternative should be used only in the rarest of situations and with review and approval of the City Attorney's Office.
- (d) Ensure that all necessary reports are submitted to the District Attorney's Office for processing and court scheduling.

510.8.4 FINAL DISPOSITION OF VEHICLE(S) OR PART(S)

Released to Owner - If the vehicle(s) or component part(s) are identifiable, they shall be returned to their lawful owner by the Property Officer via the assigned detective.

Disposition of Property - No Criminal Complaint Issued - If, as a result of a hearing being conducted, the court approves that the questioned property be disposed of, the Department's Court Liaison will provide a copy of the signed Order for Disposition to the property officer, who will make the necessary disposition of the property in accordance with existing regulations governing such disposition.

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510.8.5 DOCUMENT SERVICE REQUIREMENTS

Refer to § 10751 of the Vehicle Code for provisions.

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 Cypress 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 Cypress 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, a report form with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using this form. Information documented elsewhere on the form (a & b below) does not need to be duplicated in the report narrative (c, d, e, & f below should be included in the narrative portion of the report). Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction within the past (10) years.

514.4 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

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- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.2 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

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The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

514.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

514.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, 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).

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514.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of 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).

514.6 REFUSALS

When an arrestee 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- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

In the case of a misdemeanor or a felony DUI, a blood sample may be forcibly obtained with Supervisor approval and a McNeely warrant.

514.6.2 TESTING OF CONSCIOUS PERSON AT A HOSPITAL

Most blood, breath and urine tests will be administered at the Department's Temporary Holding Facility. However, if a timely breath or urine test cannot be administered because the person is transported to a medical facility where such tests cannot be facilitated, the person shall be advised

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that a blood test will be the only choice available and a blood sample may be taken at the medical facility (Vehicle Code § 23612(a)(3)).

Based on probable cause to arrest, the officer shall advise the attending physician of the intention to collect a sample of the person's blood. Unless the attending physician objects for medical reasons a blood sample will be collected in the prescribed manner. It is not necessary that the subject be placed under physical arrest in order to obtain the blood evidence [Trotman (1989) 214 Cal. App.3d].

514.6.3 TESTING OF UNCONSCIOUS PERSON AT A HOSPITAL

When a person is suspected of driving under the influence of alcohol and/or drugs and the person is unconscious or in a condition rendering him/her incapable of refusal, that person is deemed not to have withdrawn his/her consent and a blood test may be ordered by the arresting officer. The officer shall advise the attending physician of the intention to collect a sample of the person's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner.

A person who is dead is deemed not to have withdrawn his/her consent and a test or tests may be administered. In such cases the handling officer should coordinate with the Coroner's Office to ensure that a viable test will be obtained (Vehicle Code § 23612(a)(5)).

514.6.4 EXIGENT CIRCUMSTANCES DOCTRINE

Under the exigent circumstances doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. The above sections will generally come within the guidelines of the exigent circumstances doctrine.

514.6.5 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

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- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.6.6 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.7 RECORDS BUREAU RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.8 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.9 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

514.10 ARREST AND INVESTIGATION

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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 accident.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to him/herself or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.10.2 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 Bureau 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 Patrol Bureau Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Bureau Sergeant may request the Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

An officer may determine that a traffic citation should be dismissed during a court proceeding in the interest of justice or where prosecution is deemed inappropriate. In such cases, the officer may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances in writing.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to Records.

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 Citation Correction Form (PD-8) requesting a specific correction to his/her immediate supervisor. The citation and Citation Correction Form shall then be forwarded to Records. Records personnel shall distribute the notice of correction to the court having jurisdiction (through the court liaison) and to the recipient of the citation.

Traffic Citations

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

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

The procedure for contesting a parking citation has three different levels: Initial Review, Administrative Hearing and Court Appeal.

- (a) **Initial Reviews-** Initial reviews are conducted by the department's contract parking citation processing vendor who will review written/documentary data. Requests for initial reviews are available at the front desk of the Cypress Police Department or online at www.citationprocessingcenter.com. 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 provided by our contact parking citation processing vendor.
- (b) **Administrative Hearing** - If the appellant wishes to pursue the matter beyond an Initial 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) **Court Appeal** - 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, West Justice Center, 8141 13th Street, Westminster.

516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code

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§ 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.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. See Policy Manual § 517 for details.

Traffic Citations for Juveniles

517.1 PURPOSE AND SCOPE

Completion of traffic citation forms for juveniles varies slightly from the procedure for adults. This policy outlines the procedure to follow when issuing traffic citations to persons under 18 years of age.

517.2 MOVING TRAFFIC CITATIONS

The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation. The following guidelines shall be followed based on the information available.

517.2.1 MISDEMEANOR CITATIONS

Juveniles cited for a misdemeanor violation(s) shall be cited into the Superior Court on the posted court date.

The full names of the juvenile's parent(s) or legal guardian(s) and their home phone number should be written on the back of the court's copy of the citation.

517.2.2 INFRACTION CITATIONS

Juveniles cited for an infraction violation(s) shall be cited into the Superior Court (West Justice Center) in the same manner as adults.

517.2.3 EXCEPTIONS

Court jurisdiction over the various juvenile traffic offenses is subject to frequent change and modification as new laws and interpretations are implemented. Sections 517.2.1, and 517.2.2 are guidelines. Court Liaison Clerks issue informational bulletins on the various exceptions as they arise and as the two courts divide/modify jurisdictional responsibilities.

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 Cypress City Ordinance regulating 72 hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6, 22660, and 22669. It also provides for abatement procedures under the authority of Vehicle Code §§ 22660 and 22851.3(h).

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Cypress 72 Hour Parking Ordinance shall be marked and noted on the Cypress Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. When possible, the mileage from the vehicle's odometer should be noted on the marked vehicle card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Unit.

If a marked vehicle has been moved or the markings have been removed during a 72 hour investigation period, the vehicle shall be marked again for the 72 hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Unit.

Parking citations for the 72 hour parking ordinance shall not be issued when the vehicle is stored for the 72 hour parking violation.

524.2.1 MARKED VEHICLE FILE

The Traffic Unit shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72 hour parking violations noted on the Marked Vehicle Cards.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Watch Commander by the end of the employee's shift. It shall be the responsibility of WestComm 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).

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Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of Records personnel to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

524.3 VEHICLE DISPOSAL

If, after 15 days from the notification, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post-storage hearing has been made, the Department may provide the lien holder storing the vehicle with authorization on an approved DMV form to dispose of any vehicle which the lien holder has determined has an estimated value of \$500 or less.

Traffic Collision Review Board

527.1 PURPOSE AND SCOPE

The intent of the Cypress Police Department is to reduce traffic accidents involving department personnel, both in number and severity, through discovery of vehicle/equipment problems, training needs, and compliance.

The purpose of the Traffic Collision Review Board is to make recommendations that will reduce the number and severity of traffic collisions and protect department equipment and its employees. These recommendations may include new procedures, training, or the acquisition of equipment that may enhance vehicle safety. An additional role of the Traffic Collision Review Board is to standardize traffic collision investigations involving police department employees and to create a consistent, impartial hearing to determine responsibility in a traffic collision. The Traffic Collision Review Board shall report its findings to the appropriate division commander and include the following:

- (a) Degree of responsibility, if any, of involved employee
- (b) Identification of vehicle and/or equipment problems
- (c) Need for additional training
- (d) Department compliance actions (in/out policy)

527.2 INVESTIGATION OF ACCIDENT CAUSES

- (a) The purpose of investigating traffic collisions is to determine the cause of the collisions and methods to prevent their occurrence.
- (b) Investigating to determine the causes of traffic collisions is the responsibility of the involved employee's immediate supervisor, the Chief of Police, or his/her designee.
- (c) When an employee is involved in a traffic collision, the on-scene supervisor shall submit a memorandum describing the incident to the respective division commander, via the Chain of Command. The memorandum shall also include a copy of the traffic collision report and any other related reports and/or memorandums.

527.3 TRAFFIC COLLISION REVIEW BOARD

- (a) The board will convene on a mutually agreed upon date and time and will review all accidents which occurred within the preceding time period since the last review of employees' traffic collisions. The board shall convene as soon as practicable after a collision has occurred. The Traffic Sergeant shall be responsible for notifying members of upcoming meetings.
- (b) The Traffic Collision Review Board shall consist of the Traffic Sergeant, Training Sergeant, and one driver training instructor. One employee representative of the

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affected employee's choosing may also participate, if so desired. The Traffic Sergeant shall be the chairperson of the board, except in cases involving personnel under his/her direct supervision. Absent an expressed waiver from the employee, no more than two members of the Board may ask questions of the involved employee. The employee representative shall not be involved in the same incident, nor shall the supervisor of the involved employee act as a review board member.

- (c) If the employee chooses to have a representative present during the collision review, that representative shall not have any involvement in the traffic collision under review. If any supervisor on the Traffic Collision Review Board has any involvement with the accident under review, the supervisor shall recuse himself/herself from the process. It shall be the determination of the Operation Division Commander which supervisor replaces the recusant during the review process or whether that position will remain vacant for that particular accident review.
- (d) The employee will be notified of the review of the accident in which he/she was involved at least seven days prior to the meeting. The employee need not appear before the board unless specifically ordered to attend in order to clarify an issue regarding the collision, or unless he/she wishes to do so.
- (e) The collision review may be recorded. If a tape recording is made of the interview with the employee, he/she shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The employee shall have the right to bring his/her own recording device and record any and all aspects of the collision review.

527.4 OBJECTIVE OF THE TRAFFIC COLLISION REVIEW BOARD

- (a) The board shall review and evaluate the Traffic Collision Report, involved employee written statements, the Accident Investigator's opinions and conclusions, and all other available evidence. They will then make their conclusions as to the degree of responsibility, if any, of the involved employee.
- (b) The board, by agreement of at least two members, shall classify the employee's responsibility into one of five classifications listed below:
 - 1. Unable to affix responsibility.
 - 2. Excusable.
 - (a) Aware of the impending hazard, alert to its natural consequences and skillful in minimizing the effect of the accident.
 - (b) Not at fault from the standpoint of exercising ordinary operation skill.
 - (c) Operating during conditions under which the accident was excusable.
 - (d) Legally parked or standing.

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- (e) Excusably deviating from general safety principles due to circumstances.
- 3. Preventable.
 - (a) Not alert or failing to exercise ordinary skill in avoiding the accident.
 - (b) Failing to assess hazards of which he/she should have been aware.
 - (c) Deviating from general safety principles.
- 4. Failure to anticipate.
 - (a) Aware of the impending hazard, but assumed other party would yield.
 - (b) Aware of the impending hazard and could have averted same, but not legally required to do so.
- 5. Violation of law or policy.
 - (a) Acting in violation of a statutory provision or department policy relating to the situation at the time of the accident or immediately prior thereto, even though the other party could have avoided its occurrence by being more alert or skilled.
- (c) If the board determines that there are potential vehicle and/or equipment problems, training needs, or other department actions required, this information shall be included in the subsequent report detailing the issues and proposed solutions.

527.5 TRAFFIC COLLISION REVIEW COMMITTEE PROCEDURES

- (a) After a determination of the employee's responsibility has been reached and any other issues and solutions identified, the chairperson will submit written findings in a report that should be forwarded through the chain of command to the respective employee's division commander. The division commander may make a recommendation for discipline if warranted. Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.
- (b) The respective Division Commander will consider several factors if discipline is to be recommended, including:
 - 1. The employee's work-related driving record.
 - 2. The severity or potential severity of the collision.
 - 3. The circumstances under which the vehicle was being operated.
 - 4. Any other pertinent information, which may assist the Board in forming a fair and consistent recommendation.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Cypress Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation that is requested for retention should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Bureau supervisor or Records Supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued

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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.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

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600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment. Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Support Services Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 3. Training requirements necessary for those authorized employees.
 4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 5. Process and time period system audits.
 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police or his/her designee. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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 Adult Abuse 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 POLICY

It is the policy of the Cypress Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART if not already handled.

Sexual Assault Investigations

602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

602.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to WestComm, 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.

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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).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.7.1 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).
 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that 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).

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602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.8.2 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

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delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, 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 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 of case evidence.
- (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.

602.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigations Bureau supervisor to determine that the facts have significant irregularities with reported information and

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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.

602.10 CASE REVIEW

The Criminal Investigations Bureau supervisor 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 Chief of Police.

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.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Cypress Police Department seizes property for forfeiture or when the Cypress Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Cypress 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 Cypress 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 and the California District Attorneys Association Asset Seizure and Forfeiture Manual.

606.2.1 GROUNDS FOR FORFEITURE

- (a) Currency
 - 1. Currency, negotiable instruments and securities are most commonly subject to seizure and forfeiture proceedings. If currency is used or intended to be used to facilitate drug dealing, if it is exchanged or intended to be exchanged in a drug transaction, or if it can be traced back to a drug transaction or enterprise, it is subject to forfeiture.
- (b) Vehicles, boats and airplanes
 - 1. Vehicles, boats and airplanes are subject to forfeiture if they are used as an instrument to facilitate the sale or possession for sale of controlled substances, with the following minimum weight requirements:
 - (a) 14.25 grams (half ounce) or more of a substance containing heroin,
 - (b) 28.5 grams (one ounce) or more of a substance containing cocaine base,
 - (c) 57 grams (two ounces) or more of a substance containing cocaine or methamphetamine,
 - (d) 10 pounds of marijuana (dry weight), peyote, or psilocybin mushrooms,

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- (e) Note: Only 28.5 grams (one ounce) of "pure" powder cocaine or methamphetamine is required, but as a practical matter, is highly unlikely the seized substance will be 100% "pure."
- 2. Vehicles, boats and airplanes are also subject to forfeiture if they can be traced back to an exchange for a controlled substance. This applies to vehicles, boats or airplanes that are exchanged for drugs or purchased with the proceeds of a drug transaction. Changing the character of the property or commingling drug proceeds with legitimate property does not affect the ability to forfeit, but it can have an impact on the amount of evidence that is required to proceed in the civil matter.
- (c) Real estate
 - (a) Real property may be forfeited under the exchange or proceeds traceable to an exchange theory. However, property which is used as a family residence or for other lawful purposes, or which is owned by two or more persons, one of whom had no knowledge of its unlawful use, shall not be subject to forfeiture,
 - (b) Real property subject to forfeiture may not be seized, absent exigent circumstances, without notice to the interested parties and a hearing to determine that seizure is necessary to preserve the property pending the outcome of the proceedings.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

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.
- (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.

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Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

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

- (a) Vehicles seized subject to forfeiture will be taken to Cypress Auto Tow or 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. The vehicle's value, ownership and the amount of equity should all be considered in determining whether or not to proceed with the forfeiture proceedings. The value of the vehicle should be determined by reference to the Kelley Blue Book. The current pay-off amount for any liens must be determined and can usually be obtained from the legal owner. The officer(s) seizing the vehicle shall provide a Receipt for Seizure form and Personal Notice of Intended Forfeiture form to the persons from whom the property was taken. If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.
- (b) The condition of the seized vehicle, including any damage, shall be documented. The seizing officer(s) shall photograph the vehicle and complete a CHP-180 form regardless of whether or not a tow company is used. The VIN shall be checked to verify ownership and a vehicle history shall be obtained from DMV. The seizing officer(s)

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should complete a thorough search and inventory of the vehicle. Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

- (c) Detective personnel handling the asset seizure and forfeiture proceedings shall be responsible for maintaining the vehicle during storage. The Department shall not use the vehicle for any purpose. Upon completion of the forfeiture process, the vehicle will be released to a property management company to be sold at auction.
- (d) If a vehicle does not meet the standard or forfeiture proceedings are discontinued, the vehicle shall be returned to the owner or claimant. A court order may be required before the vehicle is released if it was seized pursuant to a search warrant or court order. The officer(s) releasing the vehicle shall have the recipient of the vehicle sign a Hold Harmless Agreement form.

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 POST ASSET SEIZURE RESPONSIBILITIES

- (a) The detective or supervisor handling the asset forfeiture shall prepare the forfeiture package for presentation to the Orange County District Attorney's Office, Asset

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Seizure and Forfeiture Unit. The Orange County District Attorney's Office should receive all original copies of signed forms. The forfeiture package should include:

1. Asset Forfeiture Application or email
 2. Receipt for Seizure and Personal Notice of Intended Forfeiture forms
 3. Disclaimer of Ownership of Property form
 4. Financial Tally Sheet
 5. Receipt from the Finance Department
 6. Supplemental Report (asset seizure)
 7. All related police reports
 8. Search warrant(s)
 9. Seizure orders
- (b) The detective or supervisor handling the asset forfeiture is required to file the forfeiture case with the District Attorney's Office, Asset Seizure and Forfeiture Unit, within 15 days of the seizure. Health and Safety Code § 11488.2 permits the seizing agency to hold property seized on the basis it is subject to forfeiture for a maximum of 15 days while the agency decides, or prepares to file the case with the prosecutor.
- (c) The Cypress Police Department shall retain a copy of the forfeiture package for a period of not less than five years.
- (d) Detectives may be required to serve additional parties with notices or paperwork, such as Proof of Service on Non-Judicial Forfeiture Proceedings, Receipt for Seizure, Personal Notice of Intended Forfeiture and Claim Opposing Forfeiture forms.
- (e) The State Franchise Tax Board shall be notified when there is reasonable cause to believe the property seized has a value in excess of \$5,000. This notification may be given by telephone or sent in letter form through the mail.
- (f) The Asset Forfeiture Detective shall complete the Vehicle Seizure Record form, in addition to the CHP Form-180. Appropriate measure should be taken to insure that property is not allowed to deteriorate during the pending forfeiture proceedings. The Asset Forfeiture Detective is responsible for keeping a service and maintenance log for all seized vehicles.

606.4.2 FEDERAL ASSET FORFEITURES

- (a) All state and local agencies, which request a federal adoption, must submit a Request for Adoption of State of Local Seizure form. Adoption requests must be made to the Drug Enforcement Agency (DEA) within 30 days from the date of initial seizure.

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- (b) If the state is proceeding with criminal prosecution, you will be required to provide the case number and name of the Deputy District Attorney assigned to the case. A letter from the County District Attorney, on their official letterhead addressed to the DEA Sacramento, declining to proceed against forfeiture of the asset is required and if the asset was seized pursuant to a search warrant, a Release Order, signed by a magistrate, must accompany the Letter of Declination.
- (c) The DEA will not accept custody of an asset until the request for adoption has been approved. Adopted assets must be placed into Federal custody within 10 days of the approval date. All currency seizures shall be converted into cashiers check, made payable to the U.S. Marshals Service and submitted to the DEA. The U.S. Marshals Service will make arrangements to take custody of all other assets, such as vehicles.
- (d) A U.S. DAG-71 form must be submitted in order to receive a share of the forfeited asset and must arrive at the DEA within 60 days of adoption (not seizure date).
- (e) Federal guidelines and state law differ regarding asset seizure and forfeiture. The DEA or United States Attorney's Office should be consulted when considering a federal adoption to ensure thresholds are satisfied.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

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- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).

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4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
 - (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).
 - (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code §11471).
 - (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

606.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

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The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

606.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Cypress Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

606.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and such ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 POLICY

It shall be the policy of this department that police officers shall only use a cooperating individual with the prior approval of a division commander or his/her designee. Officers shall adhere to the rules and regulations for informant use as set forth in this policy.

608.1.2 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Cypress Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Cypress Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

Cooperating individual - Any person who knowingly provides information to law enforcement related to another's criminal activity, whose motivations for doing so are other than that of an uninvolved witness, victim, or private citizen primarily acting through a sense of civic responsibility. As a general rule, a CI expects some benefit or consideration for himself/herself, or another person in exchange for his/her cooperation.

Defendant cooperating individual - Generally one who has been arrested and/or may be prosecuted in a criminal matter, including probation and/or parole violations. A defendant CI provides information in hope of receiving a benefit or consideration on his/her pending criminal matter.

In-custody cooperating individual - An inmate who provides information or testifies about matters another defendant told him/her while both are in custody. Penal Code § § 1127a, 1191.25 and 4001.1 govern their use.

Paid cooperating individual - An individual who receives compensation from law enforcement in return for information regarding criminal activity.

Citizen cooperating individual - A person who cooperates with law enforcement out of a sense of civic responsibility, without requesting any form of compensation.

Investigative officer - The law enforcement officer or officers who are directly working with the CI. The investigating officer shall comply with the rules and regulations set forth in this policy.

OCCII Coordinator - The Deputy District Attorney (DDA) who maintains a file on the CI, and coordinates communication between the law enforcement agency and the DDA responsible for prosecuting the CI. (OCCII Orange County Cooperating Individual Index)

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Responsible Deputy District Attorney - The DDA handling the CI's case or an Assistant District Attorney in charge of the unit responsible for the prosecution of the CI or any cases he/she generated.

Benefit - Any consideration or advantage a CI receives in exchange for information and/or participation in a criminal investigation. A benefit or consideration may include:

- (a) Financial - Payment of any kind, such as room and board, payment of debts, cash.
- (b) Custody - Leniency in arrest or booking, such as receiving an O. R. release.
- (c) Charging - Leniency shown in the filing of charges and enhancements, including nonfiling of charges.
- (d) Delays - Continuances in arraignments, preliminary hearings, pretrials and sentencing.
- (e) Disposition - Dismissal or reduction in charges, custody time, probation terms and length, favorable input by the DDA and/or investigating officer at sentencing.
- (f) Immunity - Exemption from prosecution.
- (g) Intervention - Favorable action with other governmental agencies, such as DMV, INS, IRS or employers.

608.2 INFORMANT FILE SYSTEM

- (a) A separate file shall be maintained on each cooperating individual. The Cooperating Individual Files shall be maintained in a secure area within the Special Investigations Sergeant's Office. These files shall be used to provide a source of background information about the cooperating individual, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the CI.
- (b) Access to the Cooperating Individual Files shall be restricted to the Chief of Police, division commander, detective supervisors, or their designees.

608.2.1 FILE SYSTEM PROCEDURE

- (a) Debrief the cooperating individual.
 - 1. The investigating officer shall, at the earliest opportunity, debrief all potential CIs to evaluate and examine their ability to assist law enforcement. The investigating officer should consider the motivations of the CI, his/her truthfulness, and the value of the information when weighed against the potential risks to the CI. The CI's role, either as an active participant or merely as an intelligence source, should also be considered.
- (b) Evaluate the information from the cooperating individual.
 - 1. The investigating officer shall determine whether a defendant CI is able to provide information which will assist in the investigation of a crime that is

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significantly greater than that with which the CI is charged. The investigating officer should make a determination as to the extent of the CI's involvement and address any potential risks or concerns.

- (c) Examine the background of the cooperating individual.
 - 1. The handling officer shall, at the earliest opportunity, conduct an examination of a CI's background to determine whether he/she is an appropriate candidate for informant status. This evaluation should include:
 - (a) Criminal history, including crimes involving violence, domestic violence, substance abuse, weapons, strikes and/or dishonesty.
 - (b) Active warrants or failures to appear.
 - (c) Probation and/or parole status.
 - (d) Immigration status.
 - (e) Flight risk.
 - (f) Control issues.
 - (g) Prior informant activity.

608.2.2 COOPERATING INDIVIDUAL FILES MAINTAINED BY THE CYPRESS POLICE DEPARTMENT

- (a) The investigator handling the CI shall be responsible for completing a file for the CI. A separate file shall be maintained on each cooperating individual who participates in any criminal investigation.
- (b) The Cypress Police Department CI File shall include the following:
 - 1. CI's identification sheet identifying the officer initiating the use of the CI and also including: CI's name and/or aliases, DOB, physical description with scars, tattoos and other distinguishing features; current home address and telephone numbers; current employer, position, address and telephone number; vehicles owned and registration information; and places frequented.
 - 2. CI's waiver and agreement.
 - 3. Debriefing report.
 - 4. DMV and CII records.
 - 5. Photograph of CI.
 - 6. Fingerprints of CI.
 - 7. CI's history card documenting activity or performance.

608.3 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

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608.3.1 NOTIFICATION TO THE DISTRICT ATTORNEY

- (a) To ensure proper evaluation of discovery issues, the handling officer shall inform the DDA at the earliest possible time when a case involves a CI.
- (b) A defendant CI's case shall be submitted to the DA for filing in a timely manner. It shall not be held back pending the CI's performance without approval of the division commander (or designee), the OCCII coordinator and DDA in charge of the unit responsible for prosecuting the CI.

608.3.2 DISTRICT ATTORNEY APPROVAL REQUIRED

- (a) No violent offender (a person charged with a crime of violence, who has a violent criminal background, or is a danger to others) shall be utilized as a CI without prior approval of the division commander and the DDA in charge of the unit prosecuting the potential CI.
- (b) No "striker" (a person charged with a new felony and is subject to Penal Code § 667) shall be utilized as a CI without prior approval of the division commander and the DDA in charge of the unit prosecuting the potential CI.
- (c) No defendant with a pending driving under the influence case shall be offered or promised any benefit or consideration and shall not be utilized as a CI without prior approval of the division commander and the DDA in charge of the unit prosecuting the potential CI.

608.3.3 DOCUMENTATION SENT TO THE ORANGE COUNTY COOPERATING INDIVIDUAL INDEX

- (a) The investigating officer utilizing the CI shall submit the following information to the OCCII coordinator, within three working days. The OCCII packet shall include:
 - 1. Completed OCCII card.
 - 2. Photograph of the CI.
 - 3. CI's DMV and CII records.
 - 4. Brief statement of pending case(s), including report numbers.
 - 5. Summary of activity or work by CI.
 - 6. Any benefits (e.g. an OR, citation, etc.).
- (b) The investigating officer shall advise the OCCII coordinator of the CI's performance or status in advance of the CI's scheduled court dates. The handling investigator shall update the CI's file upon the completion of each case. All requests for continuances shall be made through the OCCII coordinator.
- (c) All requests for consideration should be in writing, directed to the OCCII coordinator, and approved by the division commander (or designee). The letter should detail the

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CI's level of involvement and cooperation, and the results of his/her efforts, including report numbers, information on persons arrested, charges and evidence seized.

608.3.4 TERMINATION OF RELATIONSHIP WITH A COOPERATING INDIVIDUAL

It may become necessary to terminate the relationship with a CI (e.g. unreliable, no contact, control problems, providing false information, committing new crimes, etc.). The investigating officer shall document the date of notification and reasons for termination in the CI's agency file, and notify the OCCII coordinator. The investigating officer shall attempt to notify the CI and his/her attorney of such termination and document the notification and/or any and all attempts to notify.

608.3.5 COMMUNICATION WITH A COOPERATING INDIVIDUAL REPRESENTED BY AN ATTORNEY

There should be no communication with a represented defendant CI without the permission of his/her attorney. If a defendant CI expresses a desire to discuss information or cooperate, without the knowledge of his/her attorney, the investigating officer shall consult with the OCCII coordinator and the DDA prosecuting the individual's case prior to communicating with the CI. Any waiver or agreement made by the CI shall be documented in writing or on tape.

608.3.6 NOTIFICATION OF OTHER INTERESTED PARTIES

- (a) If the activities of a CI can lead to a violation of probation and/or parole, the investigating officer shall contact the probation officer or parole agent supervising the CI and obtain permission to use the individual as an informant. The investigating officer shall record the name of the person who authorized the use, the date of approval and notify the OCCII coordinator.
- (b) When the investigating officer wishes to use a CI who is:
 1. Under arrest by another agency;
 2. Under investigation by another agency or agencies; or
 3. Being prosecuted by another agency or agencies,

The investigating officer shall contact the other agencies and OCCII coordinator to ascertain whether any conflicts exist prior to using the informant.

608.4 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of money to any cooperating individual must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.4.1 PAYMENT PROCEDURE

- (a) There are informants (with no pending criminal case), who seek monetary compensation in exchange for information or their cooperation. There are occasions

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when a CI may request or deserve compensation for his/her cooperation in a criminal investigation.

- (b) The amount of funds to be paid to a CI shall be determined on a case-by-case basis. The amount paid will depend on the extent of the informant's involvement and results of the investigation (e.g. quality of arrest(s), truthful information, drugs and/or assets seized).
- (c) When a CI is paid for his/her cooperation, there shall be at least two officers present during such payment.
 - 1. The officer(s) shall obtain the CI's signature on a receipt, which shows the amount paid to the CI.
- (d) The handling officer shall submit an expense voucher, which documents the identity of the informant, reason for such payment, and any related report numbers.
 - 1. The voucher shall contain the signature of at least two officers, including the officer who made the payment and a witness.
- (e) Any payment to a CI shall be documented as an investigative expense. Payment(s) under \$500 may be paid in cash, out of the Special Investigations Buy/Expense Fund.
- (f) The division commander (or designee) shall approve all monetary payments made to CI's and shall approve any lump sum payments up to \$500.
- (g) The division commander and Chief of Police shall approve any payments(s) exceeding \$500.
 - 1. A memorandum or report detailing the CI's involvement and results of the investigation shall accompany requests for any payment over \$500 and shall be directed to the division commander and Chief of Police.

608.4.2 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

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608.5 PAYMENT PROCESS

- (a) The division commander (or designee) and the unit supervisor of the officer handling the CI shall approve of using the CI prior to any active participation or cooperation.
- (b) The division commander (or designee) and the supervisor of the unit using the CI shall monitor the case(s) in which the subject is cooperating to ensure that the handling officer and CI are in compliance with the rules and regulations set forth in this policy.
- (c) The division commander (or designee) and the supervisor of the unit working with the CI shall approve all letters for consideration sent to the OCCII coordinator.
- (d) The Detective Sergeant assigned to Special Investigations shall maintain the Police Department's files for all CIs.

608.6 USE OF INFORMANTS

608.6.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

608.6.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

608.6.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

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608.7 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Special Investigations Unit supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Cypress Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

608.7.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

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Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

608.8 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Special Investigations Unit. The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Special Investigations Unit supervisor or their authorized designees.

The Support Services Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Special Investigations Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

608.8.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth

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- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

608.9 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Special Investigations Unit supervisor will discuss the above factors with the Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

608.9.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Special Investigations Unit buy/expense fund.
 1. The Special Investigations Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.

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2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Cypress Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.

608.9.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

608.9.3 AUDIT OF PAYMENTS

The Special Investigations Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

The Cypress 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.

610.3 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.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be

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used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 1. The length of time the witness observed the suspect.
 2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Cypress Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Cypress Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Cypress Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Brady Material Disclosure

612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is identified in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the Brady team at the Orange County DA's office shall be notified of the potential presence of *Brady* information in the officer's personnel file. Details regarding the Brady material will not be discussed with the OCDA.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall read all of the employee's files and shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion. This will be done with input from the City Attorney.
 1. Prior to the release of any information pursuant to this process, the City Attorney and Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Operations Planning and Deconfliction

614.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

614.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

614.2 POLICY

It is the policy of the Cypress Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

614.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

614.4 RISK ASSESSMENT

614.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

614.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

614.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. (West County SWAT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance

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8. Canines
 9. Property and Evidence or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

614.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

614.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

614.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

614.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that WestComm is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by WestComm, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

614.8 WEST COUNTY SWAT PARTICIPATION

If the operations director determines that West County SWAT participation is appropriate, the director and the West County SWAT supervisor shall work together to develop a written plan. The West County SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the West County SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

614.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

614.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any West County SWAT debriefing.

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614.11 TRAINING

The Training Sergeant should ensure officers and West County SWAT team members 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.

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 their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline. Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment assigned for their use.

- (a) 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.
- (b) 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.
- (c) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (d) 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 via memorandum. This memorandum is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate division commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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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, unless authorized by the Chief of Police.

- (a) Reimbursement will only be provided if the loss or damage occurs during the course and scope of work.
- (b) Reimbursement will not be provided if the loss or damage is a result of the employee's own carelessness or inattention (i.e. driving away with property set on the hood of the car, sitting on glasses that were left on the seat of a chair, etc.).
- (c) Employees are strongly encouraged not to wear expensive items such as jewelry or watches to work, especially if the employee's work involves physical labor that further exposes these items to being broken or lost.
- (d) When personal property is lost or damaged in conjunction with a Workers' Compensation claim, then an itemization of the lost and/or damaged property should accompany the claim.
 - 1. Workers' Compensation will reimburse for lost and/or stolen property in these types of situations.

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 as soon as possible.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the property of another while performing their duties. Any employee who damages or causes to be damaged any 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 as soon as possible.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate division commander.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Cypress Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, 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 or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

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702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - (a) Members may use personally owned PCDs on-duty for routine administrative work.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Cypress Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally

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owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

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- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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.

Officers and supervisors should be mindful that if a vehicle is operated at high speeds, or extreme driving conditions, that the mechanical reliability of the vehicle may have been compromised. If there is evidence of this and/or a concern of mechanical failure, the vehicle should be removed from service and inspected by mechanics.

704.2.1 VEHICLE REPAIRS/MODIFICATIONS

Any employee driving a vehicle and/or a motorcycle that needs any repair or maintenance, including routine preventive maintenance, shall notify Fleet Maintenance personnel of the circumstances of the repair or maintenance. Motorcycle officers shall ensure that the Fleet Maintenance Supervisor is notified of all repairs or maintenance prior to the repair or maintenance being initiated, unless exigent circumstances dictate otherwise.

No employee shall make any permanent modifications to any vehicle without prior approval from their division commander.

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:

- Shotgun
- Patrol rifle
- Box of emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll crime scene barricade tape

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- 1 First aid kit, CPR mask
- Less-lethal shotgun
- Roll-a-tape
- Protective and other safety equipment per Policy Manual Chapter 1016 - Communicable Diseases, and Chapter 1024 - Body Armor.

704.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 First aid kit, CPR mask
- 1 Roll crime scene barricade tape
- Protective and other safety equipment per Policy Manual Chapter 1016 - Communicable Diseases, and Chapter 1024 - Body Armor.

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.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons, except Tasers carried by authorized and trained employees, are removed from vehicles before going into service. Only authorized and trained employees shall remove any weapons from a vehicle before going into service. All other civilian employees shall request a qualified and trained employee to remove weapons from a vehicle. Civilian employees shall also prominently display the "out of service" placards or light bar covers at all times on marked police units. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Fitness Center Policy

705.1 PURPOSE AND SCOPE

The purpose of this order is to establish uniform policy and procedure for access to and use of the Cypress Police Department fitness center.

All employees of the Cypress Police Department are encouraged to actively participate in a personal wellness plan, which includes a program of regular physical exercise.

705.2 LIABILITY DISCLAIMER

The City of Cypress and the Cypress Police Department are not responsible for injury occurring to anyone during the use of the fitness center.

The use of the fitness center is not considered work-related and is therefore not covered by Worker's Compensation Insurance.

All persons seeking use of the fitness center must obtain and sign a Waiver of Liability prior to utilizing the center. The liability waiver forms may be obtained from the Personnel and Training Unit. The completed form shall be forwarded to the Chief's secretary for appropriate filing.

705.3 FITNESS CENTER ACCESS

The fitness center is only available for use by paid, Cypress Police Department employees and may be accessed at any hour, seven days a week.

Police personnel are not allowed to utilize the fitness center while on-duty.

Other City department employees will not be allowed to use the fitness center.

705.4 RULES AND STANDARDS OF CONDUCT

- (a) Appropriate exercise attire must be worn at all times. This includes shoes and shirts. Sandals are not permitted.
- (b) Exercise equipment will be wiped clean of all perspiration immediately after each use.
- (c) A 30 minute use time limit will apply to all exercise equipment whenever a waiting line exists.
- (d) Weight equipment shall not be dropped, thrown or slammed.
- (e) Free weights will be placed on racks when not in use.
- (f) Weights shall be removed from bars immediately after use and replaced in their appropriate storage racks.
- (g) Any injury or damaged equipment shall be immediately reported to the Personnel and Training Unit or Watch Commander.

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- (h) Television or music played in the fitness center shall be viewed/played at a volume that does not disturb those working in other areas adjacent to the fitness center.

Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Cypress to provide assigned take-home vehicles.

For the purposes of this policy, "City-owned" includes any vehicle owned, leased or rented by the City.

706.2 POLICY

The Cypress Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

After hours use of Investigations vehicles by personnel not assigned to the Investigations Division shall be approved by the Watch Commander or Investigations Sergeant.

706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

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The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify WestComm. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time.

All data captured by the system shall be retained in accordance with the established records retention schedule.

City vehicles such as marked black and white units and parking control vehicles are equipped with Automatic Vehicle Locator (AVL) technology. AVL is provided live or real time and continues to be readily available in the watch commander's office, dispatch, and in patrol vehicles with MDCs operating AVL. AVL data is Global Positioning Satellite data, including time and date stamps,

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latitude/longitude, and speed and heading information. Retrieval of AVL data shall in all cases be supported with facts demonstrating the benefit or need for such data and be approved by a division commander or his/her designee. The facts may include, but are not limited to, criminal investigations, personnel investigations, the identification of patrol patterns, proper deployment of personnel, etc. Examples of "the identification of patrol patterns" and "proper deployment of personnel" might be the review of AVL data to evaluate, from a training perspective, officer safety and tactical deployment to an incident; or to evaluate scene set up and containment; or to evaluate a planned response to an on-going community problem (e.g., residential burglaries, robberies, Code Charlie). AVL usage will not be permitted to unfairly, maliciously, and capriciously target or harm the reputation of a member of the organization. However, should information be found during an authorized search of AVL data that reveals misconduct in an unrelated matter that information may be used in the course of an administrative investigation.

706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Division Commander.

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706.3.12 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

PSOs assigned to patrol are exempt from the "out of service" placard or light bar cover requirement.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Cypress is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Cypress may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Use of assigned vehicles by members of the Command Staff is pursuant to a Letter of Agreement under terms and conditions determined by the Chief of Police and the City Manager per the MOU.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles by individuals other than Command Staff include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.

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3. When the member has received permission from the Chief of Police or Division Commanders.
 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

706.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

706.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

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- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Cypress City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Cypress Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and any major repairs will be performed by Public Works.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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706.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a Division Commander or designee. Any member operating an unmarked vehicle shall record vehicle usage with the on-duty Watch Commander or related unit supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

When a collision involves a City vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the City's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

706.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Computerized Records Management System (RMS)
- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)
- CopLink

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the

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development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

802.1.1 FCC COMPLIANCE

Cypress Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines. Personnel will conduct themselves in a courteous and professional manner whenever using radio communications. As such, disrespectful and/or abusive language, inappropriately cutting-off or interfering with the communications of others, unnecessarily keying the microphone, conduct that would disparage the reputation of the Cypress Police Department, and/or any violation of the Federal Communications Commission (FCC) procedures and guidelines may be cause for disciplinary action.

802.2 COMMUNICATION OPERATIONS

This department provides 24 hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 9-1-1 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between WestComm and officers.

802.2.1 COMMUNICATIONS LOG

It shall be the responsibility of WestComm to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Control number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch

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- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

- (a) Officers shall provide their location, status and the nature of their activity whenever they initiate a contact in the field.
- (b) Whenever WestComm initiates radio communication with an officer, the officer shall provide their location when responding to the call.

802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatch once the mobile unit has been properly identified.

802.4 RADIO & MDC COMMUNICATIONS

802.4.1 BACKGROUND

Technological advances in the workplace have created some new concerns regarding the management of information. These concerns include system security, and employment-related system use. The majority of all data falls within the scope of public information due to the very nature of our responsibilities as a public agency. It is commonplace to receive court orders that require disclosure of system information and recorded radio transmissions for evidentiary purposes in civil and criminal trials. Radio transmissions and mobile data messages can quickly become public information. Inappropriate use of the radio and mobile data computers can place the organization in an unfavorable litigious position and/or create a lack of public confidence in the agency.

Statutory controls in this area are especially stringent and expose both the agency and officer to civil and criminal liability, if abuse occurs. Title 18 United States Code, § 1464 provides for a fine (\$10,000) and imprisonment (two years) for using "obscene, indecent, or profane language" over the radio or mobile data computer.

802.4.2 POLICY

Radio and mobile data computer transmissions shall be job-related and professional in nature. All transmissions shall conform to law and governmental administrative rules and regulations.

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802.4.3 EMERGENCY ACTIVATION ON THE RADIO

If the emergency button is depressed on the officer's hand-held radio, the dispatcher will call the unit and ask if "Code 4." If there is no emergency, then the officer should answer "Code 4" and all units will resume their normal activity. If there is not response or the officer answers in some other way, the dispatch shall proceed as follows:

- (a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code 3.
- (b) Notify the field Officer in Charge and Watch Commander of the incident without delay.

Units not responding to the emergency should refrain from transmitting on the radio until there is a Code 4, unless they are themselves handling an emergency.

802.4.4 RECORDED AUDIO TRAFFIC

All green channel radio traffic (with the exception of green T/A) is digitally recorded by West-Comm and is retained for a period of at least two years. As such, it may be retrieved for later review for a variety of purposes including, but not limited to, training, investigation, discipline and as evidence.

When obtaining a copy of any radio traffic, the requesting party shall consider the nature of the involved incident and the potential for the audio traffic to be deemed evidence in criminal or civil litigation. When an incident is of a routine nature, the radio traffic may be requested by the shift supervisor and may be used for training purposes or internal reviews or investigations. Examples of calls of a routine nature include: pursuits, felony car stops, perimeters, traffic collisions, foot and vehicle pursuits, and uses of force.

Where an incident involves significant liability, the request shall be completed by a lieutenant or above. Calls of significance include, but are not limited to, officer-involved shootings, calls involving significant officer or suspect injury, calls with obvious political or community ramifications, homicides, fatality traffic collisions, and canine apprehensions. Exceptions to this rule may exist when a requesting Officer in Charge has a specific need to obtain details found in the radio traffic (i.e. canine bite investigations, use of force reviews, internal affairs).

In order to obtain a copy of radio traffic, the requesting party shall complete a "West-Comm Request Form Audio Recordings." This request shall be completed and submitted to the lead dispatcher at West-Comm. In all routine circumstances, the request shall be signed by a Officer in Charge (or LPO, if responsible for the shift) or above. This radio traffic is for use by the requesting party and is not to be sent outside of the department without approval of the division commander or his/her designee. Under no circumstances shall recorded audio traffic be requested or obtained for personal use.

While the radio traffic is recorded by West-Comm, the traffic is actually the property of the agency with jurisdiction. Absent a court order/subpoena, radio traffic shall only be released to the agency of jurisdiction. In the event that another agency asks to obtain copies of radio traffic, that request will be routed through the primary agency's division commander or his/her designee for approval.

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Radio traffic is not to be released to outside agencies or the media without the approval of a division commander or his/her designee.

This policy does not apply to lawfully subpoenaed recordings for use in criminal or civil proceedings.

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs, latent fingerprints and DNA.

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.

Booked - Includes the formal documentation and placement of evidence or other property into authorized evidence/property storage areas.

Authorized Storage Areas - Areas officially designated as temporary storage areas include the following:

- Evidence Property Room located in the basement of the police facility, and
- Evidence Property Storage Warehouse designated specifically for this purpose.

Access to Authorized Evidence Storage Areas -

- Only departmentally-authorized personnel shall possess keys to evidence storage areas. The Chief of Police expressly designates authorized personnel.
- Any entry into evidence storage warehouse areas, noted above, shall be recorded in the logs provided at the location.
- The only authorized persons allowed within the confines of the property-evidence room include the Support Services Supervisor, the property officer, and his/her authorized designee (i.e. the police aide assigned to property).

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804.2.1 POLICE EMPLOYEE RESPONSIBILITY IN THE COLLECTION OF EVIDENCE AND/OR PROPERTY

- (a) Department employees responsible for securing, collecting, or "booking" property which comes into their possession as found, safekeeping, or as evidence shall cause all such property to be properly recorded.
 - 1. Property (other than contraband and/or evidence of a crime) that is taken from the person of an arrestee requires a receipt be completed on form PD-118.
 - (a) As required by Penal Code § 1412; whenever an officer takes property from the person of one arrested, and retains it for some reason, a receipt must be completed at that time and distributed as follows:
 - 1. **White** - With original report to Records, copies to be given to the court liaison for filing with the court.
 - 2. **Yellow** - to the arrested person.
 - 2. Evidence seized where CSI is not conducted:
 - (a) The arresting officer, or his/her designee, is responsible for the appropriate search, proper collection, and ultimate booking of any property or evidence seized.
 - 3. Evidence seized where CSI is conducted:
 - (a) The evidence or property that is not collected by the arresting officer becomes the responsibility of the assigned CSI personnel.
 - (b) Personnel conducting CSI shall thoroughly search vehicles and appropriate areas, and remove any contraband or evidence that the arresting officer may have overlooked in his/her original search. Any valuable property (e.g., jewels, furs, currency) shall also be collected and entered into the appropriate storage locker for "safekeeping."
- (b) All property shall be conspicuously tagged and stored within an "authorized evidence storage area."
- (c) All property shall be booked into an authorized evidence storage area prior to the end of watch or normal "tour of duty."
 - 1. To provide for uniformity of packaging, departmentally-approved paper and/or plastic evidence containers (e.g., envelopes, sacks) should be used.
- (d) Analysis of suspected controlled substances
 - 1. All seized narcotics/drugs which are seized in an Orange County case, will be booked into an authorized temporary storage area with a Forensic Crime Lab Work Order (PD-226) form. These substances are analyzed soon after receipt into an authorized temporary storage areas by analysts from the Orange

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County Crime Lab or an appropriate agency. Narcotics seized in cases outside of Orange County may need to be analyzed by the appropriate crime lab personnel in the county where the case occurred.

2. Any specialized handling, processing (i.e. lab prints or photos), or analysis requirements shall be noted on the Forensic Crime Lab Work Order (PD-226) form.

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 tagged and placed in the designated property locker or storage room along with the property form. 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 items.

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) Enter the case number along with the description of the evidence into the Evidence Tracker System.
- (b) If the item(s) being booked are narcotics evidence, the packaging must be sealed with evidence tape, initialed, and dated jointly over tape and packaging.
- (c) Print out a Property/Evidence bar code tag using the Evidence Tracker System and attach it to each package or envelope in which the property is packaged.
- (d) Items shall be placed in an appropriate temporary storage location.
- (e) When the property is too large to be placed in a locker, the on-duty watch commander shall determine a suitable location for the property or decide if the Property PSO shall be notified so the property can be booked into the Property and Evidence Room at that time. If the property is a bicycle taken for safekeeping and/or found property, it can be retained in the property booking area.
- (f) Print out an "Item Submission Form" and attach it to the Crime/Arrest Report.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property tag. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker.

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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.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property PSO is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

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.
 - 1. Clothes that contain blood or bodily fluids will be hung in the Evidence Drying Cabinet, located in the upstairs CSI lab. The Evidence Drying Cabinet should be checked for cleanliness and potential contaminants prior to the placing of evidence for drying. The officers shall lock the Evidence Drying Cabinet once evidence is placed inside.
 - 2. Enter the case number and item into the Evidence Tracking System. The temporary location should be listed as "Drying Locker." Print out two copies of the "Item Submission Form "Current User." Sign and date both forms. One copy shall be included with the police report and the second copy shall be placed on the drying locker once it is secured.
 - 3. The officer placing the evidence in the Evidence Drying Cabinet is responsible for returning to collect and book the evidence once it has dried. If the officer is unable to return and book the evidence, he/she shall notify the property officer via email and request the property officer assist in the evidence booking. The property officer will send a response to the officer via email and collect and book the evidence.
- (b) **Rape Kits** - are to remain sealed and placed in the appropriate storage.
 - 1. The rape kit is initially to be booked into the refrigerator in the upstairs lab. It will subsequently be transferred by the Property PSO into the evidence refrigerator, located in the building in the lower police parking lot.
 - 2. Rape kits and other bio-hazardous materials shall not be placed or stored in the employee's break room refrigerator or other similar refrigerators in the Department (Federal OSHA § 1910.1030 (d)(2)(x)).

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- (c) **Money** - shall be counted and placed in a package separate from other evidence.
 - 1. If the amount of money exceeds \$100, then a second officer or a supervisor shall also count the money.
 - 2. The money shall be placed in a sealed money envelope and booked into the evidence lockers.
 - (a) All those who counted the money shall initial the sealed envelope.
 - 3. Once the case is adjudicated, the property officer will deposit the money at the City Finance Department.
- (d) **License plates** - found not to be stolen or connected with a known crime, should be released directly to the Property PSO, or placed in the designated container (records) for return to the Department of Motor Vehicles. No formal property booking process is required; however, a property report shall be generated.
- (e) **Bicycles and Bicycle Frames** - require a property record.
 - 1. Property tags will be securely attached to each bicycle or bicycle frame.
 - 2. The property may be released directly to the Property PSO, or placed in the hallway near the evidence lockers until a Property PSO can log the property.
 - 3. The Watch Commander should be notified if the bicycle has evidentiary value.
- (f) **Chemicals** - used in narcotics labs, or other clandestine operations, shall be released to other authorized agencies, such as Haz-Mat, Bureau of Narcotics Enforcement, Department of Justice, or other qualified disposal companies.
 - 1. Check with the Watch Commander if there are any questions regarding the handling of chemicals.
 - 2. Unknown chemicals shall be left at the scene and a chemical identification expert called to the scene prior to removal.
- (g) **Flammable Liquids and Gases**- shall be processed in accordance with Orange County Fire Authority guidelines and shall not be booked into the Cypress Police Department's Property/Evidence booking room. Only containers made safe by evacuation of contents may be booked.
- (h) **City Property** - unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required; however, a property report shall be generated.
 - 1. 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 DANGEROUS WEAPONS - HANDLING AND PACKAGING

- (a) Any time a firearm or other weapon is found, the potential for evidentiary value cannot be overlooked. If a firearm or other weapon is to be sent to the Orange County Forensic Science Services for examination, the following procedure will protect latent prints or trace evidence.
 - 1. The particular circumstances will dictate whether a weapon will be packaged and sent to the lab or merely booked into property for further disposition. Some examples wherein weapons may be sent to the lab are:
 - (a) Homicide investigations.
 - (b) Assault with a deadly weapon investigation.
 - (c) Gang-related investigation where weapons, especially firearms, may have been used in a homicide, drive-by shooting, or other violence.
 - (d) CCW arrests (Penal Code §12025, 12031, et seq.).
 - (e) Apparent suicides where later examination of the weapon is required to verify the facts of the investigation.
 - 2. The above guidelines cannot cover every situation; however, if in doubt, contact a supervisor. In most cases, these items of evidence will be collected by the Orange County Lab personnel at the scene.
- (b) Evidence collection boxes specifically designed to hold pistols, rifles, and knives, along with a supply of tie-downs and envelopes, are maintained in the Property/Evidence booking area.
- (c) When it is determined a weapon is to be sent to the Orange County Crime Lab and it has not been collected by the crime lab, the following guidelines will be followed:
 - 1. Carefully unload the weapon.
 - (a) Always use latex type gloves when handling any weapon in order to protect latent prints and DNA evidence.
 - (b) Never pick up a weapon by placing a pencil or other object in the end of the barrel. Using the thumb and index finger on the rough portion of the grips, or a string placed through the trigger guard are two methods of handling a gun while still maintaining the integrity of any trace evidence or latent fingerprints.
 - 2. Using the tie-downs, secure the weapon inside the box in such a way as to protect the firing mechanism.
 - 3. Mark on the outside top portion of the box that the weapon is unloaded.
 - (a) Draw an arrow on the outside of the box to indicate the direction the barrel is pointing.
 - 4. Place a bar code with identifying information on the outside of the box.
 - 5. Seal the box and place it inside the appropriate property locker.

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- (a) **Property officers shall always assume that all boxed firearms are loaded and treat them accordingly.**
- 6. Once it has been determined that the firearm is to be sent to the Orange County Forensic Services Unit, the CSI PSO will make arrangements with the property officer.
- (d) When it has been determined there is no need for a weapon to be sent to the lab for further examination, the following guidelines shall be followed:
 - 1. **Firearms** - shall be completely unloaded and tagged in the proper gun box.
 - (a) Zip ties should be used to hold the firearm in place, but in such a way to protect the firing mechanism.
 - (b) Ammunition should be removed from the firearms and booked separately.
 - (c) Secure loose cartridges and magazines in the same package.
 - 2. **Other Weapons** - shall have a property tag secured in an appropriate location.
 - (a) DO NOT place the weapon in any container or seal it in any bag or envelope unless it can be done in a manner safe for handling (knives or blades that are not foldable or in a sheath should be properly secured in a knife box). Place it in the appropriate property locker.

804.3.6 PERISHABLE GOODS - BUSINESS COMMODITIES - FIELD PROCEDURES

Items secured as evidence, which are either perishable items and/or minor consumer sales items, may be released to lawful owners in the field subsequent to the following guidelines. Typical items in these categories may include fresh meat, food products, clothing, cosmetics, etcetera (i.e. items taken resulting in Penal Code § 488 citations should be photographed and released to the owner at the scene).

- (a) Where circumstances indicate, legal owners should be advised to maintain possession and control of the property until court disposition (except perishables).
- (b) When a supervisor is unavailable and a question arises as to the advisability of releasing certain evidence in the field, the officer shall secure and formally book the property.
- (c) All items (of evidentiary value) subject to field release shall be processed as follows:
 - 1. Attach DR numbers and identifying information of the case in a visible location upon the property.
 - 2. Secure ample color photographs of property for court presentation purposes (e.g., comparative size, color, texture, identifying numbers, sales tags)
 - 3. List property secured as evidence on a Property Report form and have the receiving party complete the "release data" (signature) section on the property sheet.

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4. Submit CSI photographs and the Property Report form with the original report.
5. Specifically note in the original Crime Report that the property involved was secured, identified, photographed, and released to the lawful owner(s) at the scene.

804.3.7 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.

The Property PSO shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband
- (g) Money
- (h) Serialized items

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804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size and in a safe manner. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all packages.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs or his/her designee shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the evidence booking area. The booking officer shall seal the envelope with appropriate tape and initial the sealed envelope. Narcotics and dangerous drugs shall not be packaged with other property, with different narcotics or with paraphernalia.

A property tag shall be attached to the outside of the package.

804.5 RECORDING OF PROPERTY

The Property PSO receiving custody of evidence or property shall scan the bar code label attached using a hand-held scanner and upload the data to the Evidence Tracker System.

804.5.1 PROPERTY POLICE SERVICES OFFICER RESPONSIBILITIES

(a) Receiving property:

1. Receives property from officers of the Department either:
 - (a) Directly from the officer (with accompanying forms).
 - (b) Directly from the property lockers.
2. Prior to booking property, ensures that the appropriate report number is conspicuously tagged to the property prior to further processing the property.
3. Enters the required information in the Evidence Tracker System.
4. Stores property in areas specifically designated for placement.
5. Maintains an adequate and current file system that will provide prompt access to all property and evidence under the control of the property officer.

(b) Releasing property:

1. Only the property officer or his/her specific designee, may release property. "Designee" may include the following personnel:
 - (a) Crime lab personnel, in the extended absence of the Property PSO.

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- (b) The on-duty Watch Commander, after normal business hours and on weekends, where the property owner is not available during normal business hours and prior arrangements for property release have been approved by the Property PSO.
 - (c) The Records Supervisor.
 - (d) Any other personnel assigned to property/evidence (e.g., property police aides).
2. As expressly "authorized for release" by the case investigator, or higher authority, the property officer may release the designated property after obtaining proper signatures on the designated form.
3. Each time any evidence is released to an authorized city employee, the Property PSO will:
 - (a) Enter the appropriate chain of custody information in the Evidence Tracker System.
 - (b) Upon return of the evidence, complete the appropriate chain of custody data in the Evidence Tracker System.
4. Found bicycles, which have been held for a period of 90 days and the owner is not identified and/or fails to claim the property, will be disposed of.
5. **To whom property may be released** - Property qualified to be released shall only be released to the owner or a person from whom custody of the property was originally obtained.
 - (a) In approved cases, property may be released to an agent with proper authorization and identification.
6. Any person(s) seeking the release of suspected contraband shall be advised that property can only be released as a result of a written opinion of the City Attorney or a valid court order.
 - (a) In above cases, the person to receive the property shall be specifically named by the City Attorney's written opinion or the court order.
7. **Release of property held by a court** - Any person inquiring about property which has been removed from the Cypress Police Department to court and received and retained in evidence shall:
 - (a) In a misdemeanor case, be referred to the clerk of the court in which the trial was held.
 - (b) In a felony case, if the defendant was held to answer to the Superior Court, be referred to the County Clerk, Central Court.

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- (c) In a felony case, if the defendant was not held to answer, be referred to the clerk or the court in which the preliminary hearing was held.

804.6 PROPERTY CONTROL

Each time the Property PSO receives property or releases property to another person, he/she shall enter this information into the Evidence Tracker System. Officers desiring property for court shall contact the Property PSO 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 Evidence Tracker System shall be completed. No evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property PSO. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the request for laboratory analysis.

The lab will sign (electronically or on paper) accepting the item(s). The Property PSO will document any item(s) in the Evidence Tracker System.

804.6.3 STATUS OF PROPERTY

Temporary release of property to officers for investigative purposes, or for court, shall be noted in the Evidence Tracker System.

The Property PSO 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 property or properly released to another authorized person or entity.

The return of the property should be recorded in the Evidence Tracker System, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Criminal Investigations Bureau 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

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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, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property PSO 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 using the hand-held bar coding scanner.

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 that conforms to the provisions of Penal Code § 33865.

The Property and Evidence 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 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 Criminal Investigations Bureau will be responsible for assisting the Property PSO in the destruction of all narcotics and dangerous drugs with an assigned court order approving the destruction.

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804.6.8 RELEASE OF PROPERTY BOOKED AS "FOUND"

If the lawful owner is not identified, or fails to claim the property, it shall be disposed of as provided below.

- (a) Civil Code §2080.1 provides that any person who finds property of unknown ownership and valued at \$100 or more, shall turn the property over to the police or sheriff's department having jurisdiction where the property was found. The police or sheriff's department will notify the owner, if known.
- (b) If the value of the property is \$250 or more and no owner is located within 90 days, title to the property vests in the finder, following publication of notice outlined in Civil Code §2080.3a.
- (c) If the value of the found property is less than \$250 and no owner is located within 90 days, title shall vest in the finder without any requirement of publication per Civil Code §2080.3b.
- (d) Subsections (b) and (c) do not apply to property found or saved by public employees in the course of their employment.

804.6.9 NON-ADJUDICATED CASES - PROPERTY NOT INTRODUCED IN COURT AS EVIDENCE

- (a) Property classified as evidence may subsequently be "authorized for release" by the case investigator under the following conditions:
 - 1. Conditions specifically noted by the case investigator on the property disposition form.
- (b) Property designated as "releasable" that has not been claimed by the owner within three months (90 days) may be disposed of after completion of the following steps:
 - 1. The property officer shall direct a letter to the owner and the person whose custody the property was taken from, via regular mail to the last known address.
 - 2. If, within thirty (30) days, the lawful owner is unidentified or fails to claim the property, it shall be disposed of as provided by law (unclaimed property).
 - (a) If the property has not been determined as stolen/embezzled, it must be released to the person from whose custody originally taken, and further proof of ownership is not required.
 - 3. When the Property PSO is notified that more than one claim of property ownership is involved, the case may be directed to the City Attorney for resolution and/or disposition.

804.6.10 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, the Property PSO shall return the weapon to the

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owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm 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).

804.6.11 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 the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the 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) which 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 weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which 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.

804.6.12 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 Cypress 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.

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804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property PSO shall request a disposition or status on safe keeping property which has been held in excess of 60 days or found property which has been held in excess of 90 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.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680(e))

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.

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804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence 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 Support Services Division 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 and Evidence 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 Support Services Division supervisor.

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 Support Services Division 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 DISPOSITION OF FIREARMS/CERTIFICATION OF RETENTION PROCEDURES

- (a) If a weapon is to be retained by the Cypress Police Department, the court liaison shall obtain copies of the complete report of how the weapon came into the custody of the department and the case disposition.
 - 1. This information shall be attached to an "Order for Release of Property" along with a "Statement of Probable Cause" and presented to a judge of the West Orange County Judicial District.
 - 2. The original copy of the certification is then filed in the case file, the second copy is maintained by the property officer who shall ensure proper city tagging and completion of necessary forms prior to release of the weapon.

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3. The original CLETS entry for the weapon will need to be updated to reflect the new status.
4. The firearm must be re-registered to the Cypress Police Department with DOJ.

804.7.5 REQUESTS FOR RETENTION OF PROPERTY UNDER CONTROL OF THE POLICE DEPARTMENT PROPERTY OFFICER

- (a) Under authority of CCP §§ 2080 through 2080.6 and/or Penal Code § 1407 et seq. and/or other applicable laws or provisions, certain specified properties may be retained "for a public use" pursuant to existing legal requirement for property disposition and departmental authorization.
- (b) The City department requesting retention of any property must complete a Property Conversion memorandum and secure the appropriate signature of the Chief of Police for other City departments, and the Support Services Division Commander authorizing the retention. Requests for retention of firearms or other dangerous weapons or explosives are not releasable items pursuant to this section.
- (c) The Police Department property officer shall ensure that the memorandum is complete prior to property release and distribution of form.

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 SECTION TITLE

Purchasing and Budget Oversight

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a departmental purchasing process that is in compliance with the City purchasing policy and to establish guidelines for budget oversight and management.

805.2 ADMINISTRATION

Purchasing shall be a function of the Administration Division, overseen by the Administration Division Commander. The Administrative Division Commander will be the primary manager charged with the day to day operations of the Police Department budget to include being the primary liaison with the Finance and Administrative Services Department. The office specialist assigned to the Administration Division Commander will have the responsibility of functionally handling the purchasing process while working in conjunction with the Finance Department and the division commanders.

805.3 AUTHORITY

Although the Administration Division Commander holds authority for the budget, each police lieutenant responsible for managing a unit or bureau within the Police Department will also be responsible for managing that unit or bureau's budget. The division commanders will prepare their respective budgets at the start of each new budget year and will submit those budgets to the Administration Division Commander for final review by the Chief of Police. The division commanders will be responsible for approving all purchases relative to their units or bureaus throughout the fiscal year.

805.4 PURCHASING CYCLE

The purchasing cycle begins by identifying an item or service for purchase. The item is then included in the budget for appropriation. Proper approval for the item must be obtained through the respective division commander, the Administration Division Commander, and in some instances (i.e. exceeds \$25,000 or more) the City Council. Once approval has been obtained, a purchase requisition is created by the office specialist and submitted to the Finance Department where a purchase order is issued. The item or service is then ordered. Once the item or service is received, the invoice is approved and submitted to the Finance Department for final payment. Transfer of funds for the purchase of non-budgeted items is highly discouraged and will require written justification as well as approval of the Chief of Police and the City Manager.

805.5 BID PROCESS

The bid process is required as established in Cypress Municipal Code Chapter 21A. This process has been established in the name of public trust in order to prevent any appearance of collusion or paybacks. The bid process is a transparent one, designed as a competitive and open process that ensures impartiality in its final selection.

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805.5.1 INFORMAL BIDS

Informal bids are required for purchases of any goods or services with a cost ranging between \$1,000 and \$25,000. Three bids are required whenever possible. If not possible, a written explanation justifying why three bids could not be obtained is required. The bids must be comparable and consistent by specification. Informal bids may be acquired by telephone or in written form. The bid will be awarded to the lowest responsible bidder. The purchase of an item within this cost range should not be split in order to avoid the bid process.

805.5.2 FORMAL BIDS

Formal bids are required for purchases of any goods or services with a cost exceeding \$25,000. A bid package must be prepared that contains a request for quotation, the specifications for the bid, and a list of the associated terms and conditions. A public notice inviting bids must be posted for at least 10 working days. Bids should also be solicited from the City's Vendor Bid List. Once the lowest responsible bidder is identified, the contract must be approved by City Council.

805.5.3 BID EXCEPTIONS

Professional services are exempt from bid requirements, as these tend to be services with unique skills. Although a detailed request for qualifications must be solicited, there is no mandate to select the lowest bidder. The selection should be based upon objective qualifications.

"Piggybacking" is another purchasing method exempt from bid requirements. In this process, the Department enters into an agreement with a vendor for specific products where the bid process has already been accomplished by another government agency. Detailed documentation and purchase support is required. If the purchase exceeds \$25,000 then City Council approval is required.

Sole-source purchases are also exempt. In a sole-source purchase, documentation is required justifying that the product is in fact a sole-source. This does not apply to a brand, but rather to the tangible properties of a product. The manufacturer and distributor relationship should be considered.

805.6 PURCHASE ORDERS AND PURCHASE REQUISITIONS

Purchase of supplies, equipment, and services shall be made by use of a purchase order or requisition. Purchase orders and/or requisitions should only be issued with prior approval from a police manager.

805.6.1 DEPARTMENT EXPRESS PURCHASE ORDER

A department-issued express purchase order is issued within the Police Department after approval. All purchase orders are routed through the office specialist. This process is utilized by the office specialist to purchase items under the value of \$250 with no bid required. All purchases are handled through the office specialist.

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805.6.2 EXPRESS PURCHASE ORDER

An express purchase order is approved by the Finance Department and issued by the Police Department. This process is utilized by the office specialist when the value of a good or service to be purchased is between \$250 and \$1,000. No bids are necessary for this purchase.

805.6.3 BLANKET PURCHASE ORDER

A blanket purchase order is issued by the Finance Department on a purchase order contract. This requires an approved purchase requisition be submitted through the Finance Department. Such purchases would require a separate purchase request and purchase order. A blanket purchase order is typically issued when numerous small items are regularly purchased through a single company. The order is usually issued for \$2,000. No single item can be purchased for over \$1,000 without going back to the informal bid process outlined in Policy Manual § 805.5.1.

805.7 CHECK REQUISITIONS

Check requisitions can be utilized when purchase orders are not appropriate. This process affords the least amount of protection to the City and their use should be limited to items such as memberships, subscriptions, registrations, books and publications, refunds, and postage.

805.8 PETTY CASH

A petty cash fund is kept by the Office of the Chief of Police and managed by the secretary to the Chief of Police. Petty cash should only be used when other means of payment are not possible. The use of petty cash should generally be limited to purchases under \$10. Purchases up to \$100 can occur on rare occasions as long as it is documented why petty cash is being used. All petty cash purchases must be approved by a police manager. Receipts and supporting documentation are required.

Records Bureau

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Cypress Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Cypress 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 officers of the Cypress Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Support Services Supervisor. The Support Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Support Services Supervisor should forward the petition to the Criminal Investigations Bureau Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Criminal Investigations Bureau Supervisor and the Support Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Support Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.4 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

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The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.5 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

806.6 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau 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 Bureau procedure manual.

806.7 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations 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.

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 Cypress Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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808.2.3 OFFICER RESPONSIBILITY

The Property Police Services Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

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 PSO 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 Cypress Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 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 division 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 § 6253).
- (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 § 6253).
- (g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.
- (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 § 6253.10 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 § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.

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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 § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (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 § 6254.30).
- (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 § 6253.1).
 - 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 § 6253.9).
- (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
- (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

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the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

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 § 6254.29).
- (c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; 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 to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; 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 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 § 6254.4.5.

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- (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 § 6254).
 - 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 § 6254(f).
- (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, 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 § 6254).
- (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 § 6254).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).
- (o) A record of a civilian 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)(8)).
- (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 § 6254).

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- (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 SEALING OF CRIMINAL RECORDS

The Police Department will seal criminal records upon court ordered sealing. All records sealing so ordered shall become the responsibility of the Records Supervisor.

- (a) Upon receipt of a bona fide court order to seal a criminal record, the Records Supervisor or his/her designee shall:
 1. Complete the compliance section of the court order.
 2. Mail a copy of the court order with a letter acknowledging completion of sealing to the Department of Justice, CII.
 3. Mail the disposition letter to the court that has ordered the sealing.

810.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

810.9 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).

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When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

810.9.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

810.10 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- 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
- 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
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

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810.10.1 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 Cypress Police Department.
 - 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 - 4. The estimated date or date range within which the security breach occurred.
 - 5. Whether the notification was delayed as a result of a law enforcement investigation.
 - 6. A general description of the security breach.
 - 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Cypress 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 Cypress 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.

810.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - 1. Written notice.
 - 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 - 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have

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sufficient contact information. Substitute notice shall consist of all of the following:

- (a) Email notice when the Department has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

810.11 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 § 6254(f)(4)).

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 § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Support Services Division Commander 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.

810.11.1 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 § 6254(f)(4)).

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810.11.2 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 § 6254(f)(4)):

- (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 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.

810.11.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or 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 § 6254(f)(4)).

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 § 6254(f)(4)).

810.11.4 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 § 6254(f)(4)):

- (a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

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 § 6254(f)(4)(A)).

Protected Information

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 Cypress 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.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Cypress Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

812.2 POLICY

Members of the Cypress 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.

Protected Information

812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Cypress Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

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) Full-time employees of Records.
- (d) Personnel specifically designated in writing by division commanders with the concurrence of the Criminal Records Security Officer.

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect; however, a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

Protected Information

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 Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

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.

812.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

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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 authorized access and use of protected information, as well as its proper handling and dissemination.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in Records, and on various computers throughout the Department. In order to preclude access by unauthorized persons, access to CORI is granted based on authorized user names. No employee shall be authorized to operate computer terminal equipment with access to CORI until the employee has completed the appropriate training.

812.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

812.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Supervisor, unless otherwise directed by the Support Services Division Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Support Services Division Commander may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Support Services will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

812.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Unit shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

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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.

The use of digital photography within the criminal justice system has become a popular tool used by law enforcement personnel, with widespread application in both civil and criminal matters. Concerns of admissibility and digital image manipulation have created legitimate ethical and legal debate, particularly in the prosecution of criminal offenders. If not regulated by strict internal policy and procedures, the integrity of an agency's entire property and evidence unit could be subject to scrutiny resulting in dismissal of criminal cases.

814.1.1 POLICY

There are ever-improving advances in the technologies of photography, audio and video recordings that are available to Cypress Police personnel. As such, employees need to be aware that if they opt to record any source of information during the course and scope of their employment, these recordings become the property of the Police Department and are subject to the policies and procedures of this Policy Manual.

- (a) All photographs, video or audio recordings taken at a crime scene or other incident become evidence and shall be booked, downloaded, or submitted in accordance with Policy Manual §§ 446, 448, 804, and 814.5 for placement into the Digital Imaging Software (DIMS) or other approved department media storage. The photos, audio, and/or video recordings should be referred to in the narrative section or CSI report of the Crime, Incident, or Arrest Report.
 1. In the event that DIMS is not compatible with the recorded media or is not working properly, the photographs, video or audio recordings shall be listed on a Property Report and booked into evidence.
- (b) All photographs, video and audio recordings taken at a crime scene or incident shall not be copied, transmitted or transferred without the prior approval of a supervisor.
- (c) All employees are prohibited from taking any photographs, video or audio recordings at the scene of a crime or other incident for personal purposes.
- (d) When possible, the taking of any photographs, video or audio recordings at the scene of a crime or other incident should be done by a CSI officer, PSO, police officer, or detective.

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1. Employees are permitted to take photographs, video or audio recording at the scene of a crime or other incident if the scene and/or evidence is deteriorating or being changed from their original condition.
2. If an employee opts to take any photographs, video or audio recordings under such circumstances, the employee shall notify the CSI officer, PSO, supervisor or the employee who has been assigned this task.
 - (a) The employee may be required to write a report describing the photographs, video or audio recordings and why they opted to take this course of action.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation and what applications were running?

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2. Who was using it at the time?
 3. Who claimed ownership?
 4. If it can be determined, how it was being used?
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Property/Evidence sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Unit to copy the contents to an appropriate form of storage media.

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- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

Police Department employees will record digital crime scene images on a single flash card. Each case will use a separate flash card.

When photographing crime scene evidence, personnel shall also include a photograph card, documenting the case number, photographer, photographer ID number, date, and time.

No original digital image, photograph, or other digital storage media will be altered on an individual, scene, setting, or environment to facilitate in the prosecution, apprehension, elimination, or furtherance of any investigation.

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Once a crime scene or evidence has been photographed, the employee who obtained the photographic evidence shall be responsible for transporting and booking of evidence consistent with established evidence procedures.

If there is an immediate need to download the images captured, it can be given directly to properly trained personnel. The images can then be immediately processed into the Digital Image Management System (DIMS) and archived , and prints can be made as needed.

Employees shall not view on a computer, download, scan, copy, or print any original images prior to archival by properly trained crime lab personnel or other personnel assigned to handle photographic evidence.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be deposited into the drop off box situated in the report writing room by the end of the shift.
- (b) Officers are not authorized to review or copy memory cards. Only personnel assigned to the crime lab are authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera, and deposit it into the drop-off box in the report writing room . The officer shall place their name and the case number on the Film Evidentiary Log sheet (PD-158) and fill out the required information.
- (d) Crime lab personnel download the images from the memory card to the Digital Image Management System (DIMS). Only properly trained personnel in the use of DIMS will be responsible for entering the images into DIMS.
- (e) All digital evidence images will be entered into the DIMS under the designated case number. The images will also be backed up on the city network.
- (f) After images are downloaded from submitted flashcards, the cards will automatically be erased by DIMS and returned to the Watch Commander's office where a stock of flashcards will be kept for use in documenting crime scenes and other photographic needs.
- (g) Officers requiring a copy of the digital files must request a copy from the crime lab personnel.

814.5.3 IMAGE TRANSMISSION AND OUTPUT

Photographic images shall not be transmitted via e-mail, scanning, disk, CD-ROM, DVD, flash drive, or other media to any unauthorized sources such as the Internet or personal computers.

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Computers and Digital Evidence

Cypress crime lab employees may electronically transfer images to the District Attorney's Office or under court order, to a defense attorney's office, at the direction of a supervisor from the Detective Unit or Records Unit

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

Only department-designated cameras should be used for documenting evidence. Using personal or non-department-issued cameras will result in DIMS not recognizing the copyrighted image and deleting it.

Should extenuating circumstances require the use of non-departmentally-approved cameras, those images will need to be processed by Crime Lab personnel in a manner that allows them to be downloaded into the DIMS. Prior to booking the images into the lab, contact should be made with Crime Lab personnel to ensure that such images are handled appropriately.

814.5.5 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:

- Files should not be opened or reviewed prior to downloading and storage.

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.

814.5.6 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians and the Records Supervisor 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 Cypress Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

Temporary custody - The time period an adult is in custody at the Cypress Police Department prior to being released or transported to a housing or other type of facility.

900.2 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.
- (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 his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Cypress 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 he/she is being sent to another facility.

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1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.2.1 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.

900.3 ASSIGNED ADMINISTRATOR

The Operations 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
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections 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).

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These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.4 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) Inmate segregation
- (d) Emergency procedures and planning, fire safety, and life safety.
- (e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

The Training Sergeant shall maintain records of all such training in the member's training file.

Restraining Chairs

907.1 PURPOSE AND SCOPE

The Sureguard Correctional Safety Restraint Chair (Safety Restraint Chair) is the only restraint chair authorized for use by members of this department and is primarily intended for the collection of evidence. The purpose of the Safety Restraint Chair is to provide police personnel with the safest and most humane system for collecting DNA or blood evidence from uncooperative prisoners who are either passively or actively resisting providing evidence pursuant to California Penal Code Section 298.1, California Vehicle Code Section 23612, a lawful search warrant, or the requirements of supervised post-incarceration release; where a passively or actively resisting prisoner may jeopardize the safety of the prisoner, police personnel, medical personnel, and/or interfere with department operations.

907.2 AUTHORIZED USE

When a prisoner in custody at the Cypress Jail is legally required to provide a DNA or blood sample to members of this department, he/she will be given sufficient opportunities to comply voluntarily. If the prisoner refuses to provide this evidence, the Watch Commander shall be notified of the refusal. The Watch Commander will evaluate the circumstances and may authorize the placement of the prisoner into the Safety Restraint Chair for the purpose of safely obtaining the DNA or blood sample. The Watch Commander or his/her designee shall be present when the prisoner is placed into the Safety Restraint Chair and supervise the prisoner while he/she is seated in the Safety Restraint Chair.

Nothing in the policy prohibits the use of the Safety Restraint Chair as an urgent measure to prevent injury to a prisoner or other persons when it is impractical to obtain the approval of the Watch Commander prior to its use. In those circumstances where approval to use the Safety Restraint Chair was not obtained prior to its use, the Watch Commander shall be notified as soon as practical.

907.2.1 CONDITIONS OF USE

The Safety Restraint Chair should only be used when the following conditions exist:

- (a) The prisoner is in custody for a felony crime and has refused to provide a DNA sample pursuant to California Penal Code § 298.1; or,
- (b) The prisoner is in custody for violating California Vehicle Code § 23140, 23152(a), 23152(b), 23153(a), 23153(b), or California Health and Safety Code § 11550(a) and has refused to provide a blood sample pursuant to California Penal Code § 298.1, California Vehicle Code § 23612, a lawful search warrant, or conditions of supervised post-incarceration release; or,
- (c) The prisoner is in custody for any other crime and has refused to provide a DNA or blood sample pursuant to California Penal Code § 298.1, a lawful search warrant, or conditions of supervised post-incarceration release; and,
- (d) The prisoner has been given sufficient opportunities to comply voluntarily.

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907.2.2 USE OF THE SAFETY RESTRAINT CHAIR

Once the Watch Commander has authorized the placement of the prisoner into the Safety Restraint Chair:

- (a) The Safety Restraint Chair will only be used in the booking area of the jail.
- (b) The Watch Commander or their designee shall be present when the prisoner is placed into the Safety Restraint Chair and shall supervise the prisoner while he/she is seated in the Safety Restraint Chair.
- (c) Only properly trained supervisors, officers, and PSOs shall use the Safety Restraint Chair.
- (d) Paramedics will be contacted to standby during the use of the Safety Restraint Chair to medically assess the prisoner.
- (e) Once the DNA or blood sample has been collected, the prisoner should be removed from the Safety Restraint Chair as soon as practical.

907.3 PROHIBITED USES

The Safety Restraint Chair should not be used under the following conditions:

- (a) The Safety Restraint Chair should not be used on:
 1. Prisoners who are in need of medical attention,
 2. Prisoners who are pregnant,
 3. Prisoners who are under the age of 18.
- (b) Prisoners shall not be restrained in the Safety Restraint Chair longer than necessary to safely obtain a DNA or blood sample.
 1. If a prisoner's actions require longer use of the Safety Restraint Chair than allowed by this policy, they shall be immediately transported to Orange County Jail or an appropriate medical facility for booking, evidence collection or medical treatment.
- (c) The Safety Restraint Chair shall not be used as a form of discipline or substitute for medical or psychological treatment.

907.4 REPORTING RESPONSIBILITY

Following the use of the Safety Restraint Chair, appropriate documentation shall be included in the officer's report and include: the report number, name of the arresting officer, name of the prisoner, booking charges, reason for the use of the Safety Restraint Chair, name of the Watch Commander authorizing the use of the Safety Restraint Chair, date and time the prisoner was placed into the Safety Restraint Chair, date and time the prisoner was removed from the Safety Restraint Chair, and a summary of the use of the Safety Restraint Chair.

907.4.1 WATCH COMMANDER REPORTING RESPONSIBILITY

Whenever the Safety Restraint Chair is used, the Watch Commander shall:

- (a) Notify the Operations Division Commander as soon as practical.

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- (b) If necessary, the Watch Commander should complete a use of force report.

907.5 TRAINING

The Operations Division Commander will ensure all personnel responsible for utilizing and/or approving the use of the Safety Restraint Chair complete proper training in its use consisting of watching the company-provided training DVD.

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 Cypress Police Department and that are promulgated and maintained by the Human Resources Office.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Cypress 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 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Office should maintain validated standards for all positions.

1000.3.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 18 years of age

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- (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) 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)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.3.2 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid California driver's license.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following may be disqualifying:
 - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within five years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
 - 2. Involvement as a driver in three or more chargeable (at fault) collisions within five years prior to date of application.
 - 3. A conviction for driving under the influence of alcohol and/or drugs within seven years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.3 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered potential disqualifiers for public safety applicants:
 - 1. Any adult use of a drug classified as a hallucinogenic within 15 years prior to application for employment.
 - 2. Any adult use of marijuana within three years prior to application for employment.

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3. Any other illegal adult use of a drug not mentioned above (including cocaine) within 15 years prior to application for employment.
 4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity.
 5. Any adult manufacture or cultivation of a drug or illegal substance.
 6. Failure to divulge to the Department any information about personal illegal use or possession of drugs.
 7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
1. Any illegal use or possession of a drug as a juvenile.
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than three years ago or cocaine use longer than 15 years ago).
 3. Any illegal or unauthorized use of prescription medications.

1000.3.4 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.
- (e) The following shall be disqualifying:
 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.5 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following may be disqualifying:

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1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application.
2. Conviction for two or more misdemeanor offenses under California law as an adult.
3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers).
4. Admission(s) of having committed any act amounting to a felony (including felony misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Effectiveness in dealing with people without arousing antagonism.
- (e) The ability to understand the motives of people and how they will react and interact.
- (f) The following may be disqualifying:
 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
 3. Having been disciplined by any employer as an adult for fighting in the workplace.

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1000.3.7 JUDGEMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:
 - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.
 - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer or employee.

1000.4 RECRUITMENT

The Support 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 Support 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.

1000.5 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:

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- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (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

1000.6 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 Cypress Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.6.1 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).

1000.6.2 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).

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1000.6.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Support Services Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Support 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 Support Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.6.4 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 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).

1000.6.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.6.6 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 Cypress Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.7 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

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- 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.

1000.8 PROBATIONARY PERIODS

The Support Services Division Commander should coordinate with the Cypress Human Resources Office to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

A properly completed performance evaluation is one of the most difficult jobs of a supervisor. There is no "formula" or "procedure" that guarantees success. By use of conscientious and objective judgment by supervisors, a performance appraisal can become one of the most valuable tools for the employee and the Department.

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

This policy was written to assist Police Department supervisors and managers in properly evaluating the performance of all department employees. It corresponds to the Cypress Police Department Performance Appraisal System.

1002.2 POLICY

Employee performance evaluations will be written based on job-related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. The authoring supervisor shall review both the employee's personnel file and internal affairs files for information relevant to the respective rating period. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall be sent to a POST-approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, 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.

Supervisors assigned to prepare performance appraisals are reminded of the importance of this function, not only for its impact on the employee being evaluated, but as a measure of the quality of leadership and the management skills of the supervisor.

The supervisor must consider the needs and general interests of the Department while applying the standards set forth in these guidelines to the individual being evaluated. An appraisal must be written to motivate an employee to improve overall performance and must inform the employee of

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any deficiencies, which may have caused performance to fall below acceptable standards, and to maintain a higher level of performance. All evaluations and comments relative to the employee's performance must be based on observed activities or characteristics.

In using the performance appraisal, supervisors shall evaluate the performance of each employee in the employee's present assignment and any other assignments the employee may have completed during the current evaluation period. The supervisor must place emphasis on efficiency and the general quality of the employee's duty performance without regard to non-duty-related personal traits or factors relevant only to prior evaluation periods. It must be remembered that in evaluating an employee, the supervisor is to consider the employee's performance in relation to the same class and in conjunction with performance standards.

Supervisors should read and understand each performance element thoroughly before evaluating employees. Ratings should be based on facts, as you are required to explain every above or below average rating in the narrative section of the appraisal form. Remember, the best employee may have a few weaknesses, while the poorest employee may have some strong points, and the appraisal should reflect this.

When appropriate, all concerned direct supervisors shall coordinate the final appraisal with input from other supervisors who had contact with the employee during the respective rating period. This procedure is designed to preclude a single supervisor from assigning an undeservedly high or low overall appraisal to an employee, who may have worked for that supervisor for only a limited part of the evaluation period.

Employees are inclined to accept suggestions for improving their performance when they are offered timely feedback throughout the year. The more time that elapses between performance and feedback, the less effective it becomes. If employees don't hear when they are doing well; they will be less apt to listen when improvement is needed.

1002.2.1 USES OF PERFORMANCE EVALUATIONS

Performance evaluations can be used to:

- (a) Keep employees informed of what is expected of them and how well they are performing.
- (b) Recognize and reward good work.
- (c) Recognize and remedy weaknesses in employee performance.
- (d) Identify employees who should be given specific types of training.
- (e) Provide a continuing record of an employee's performance history.
- (f) Serve as a guide to promotion, transfers, demotion, dismissals and other personnel actions.
- (g) Help determine whether an employee will receive a merit increase.
- (h) Check on the accuracy of job descriptions and classifications.

Evaluation of Employees

- (i) Check on the effectiveness of recruitment and examination procedures.
- (j) Set goals for future performance.

1002.2.2 PERFORMANCE EVALUATION SUGGESTIONS

DO rate the employee's performance, not his/her personality.

DO rate the employee in comparison to performance standards.

DO consider the employee's performance during the entire rating period and not just their most recent performance.

DO be specific in all aspects of performance evaluations.

DO tell the employee exactly how to correct substandard performance.

DO rate each evaluation factor individually.

DO set goals of attainment for the next rating period.

DO fill out the forms so that it makes sense on its face.

DON'T attempt to make a mathematical formula out of the performance evaluation form.

DON'T fall victim to the "halo effect," "leniency," "central tendency," "partiality" or "association error".

Halo Effect - The evaluator tends to base overall judgments or evaluations on selected pieces of information rather than all available relevant information. The employee is rated overall well above standard, when in fact they are performing well above standard in only a few categories. This tendency can also be seen in rating employees overall well below standard based upon substandard performance in a few categories.

Leniency - The evaluator tends to rate employees higher than their actual performance.

Central Tendency - The evaluator rates employees as average, when in fact the employee is working well above or well below standards.

Partiality - The evaluator rates the employees based upon the level of their relationship with them rather than their actual performance.

Association Factor - The evaluator finds it difficult to differentiate between categories because they overlap semantically for them.

DON'T rate employee's performance against that of other specific employees.

DON'T place over-emphasis on one incident during the rating period.

DON'T permit the performance evaluation system to preclude frequent informal feedback with the employee about his/hers performance.

DON'T give an employee a satisfactory evaluation if you are in any way dissatisfied with their overall performance.

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1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

Position	Evaluated Every 3 months	Evaluated Yearly	Length of Probation
Probationary Sworn Employee (Academy Trained)	X		18 months
Probationary Sworn Employee (Lateral)	X		1 year
Non-Probationary Sworn Employee		X	
Probationary Civilian Employees	X		1 year
Non-Probationary Civilian Employees		X	
Reserve Officers after Training		X	

1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

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1002.4 FULL-TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time civilian personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An employee performance evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an employee performance evaluation shall be completed on the anniversary of the employee's date of last promotion.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.5.1 RATINGS

Rating	Definition
[O] Outstanding	Work performance is consistently superior to established departmental standards and is consistently performed with initiative and enthusiasm.
[A] Above Standard	Work performance periodically exceeds established departmental standards.
[C] Competent	Work performance consistently meets established departmental standard.
[I] Below Standard	Work performance frequently does not meet established departmental standards.
[U] Unsatisfactory	Work performance has not reached or has deteriorated to such a degree that it is clearly and consistently not acceptable by established departmental standards.
[*] Not Applicable	Not applicable to present assignment.

1002.5.2 RATING DIMENSIONS AND DESCRIPTIONS

1. **Interaction with the Public** - the extent to which the employee interacts with citizens in an appropriate, constructive and respectful manner.

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2. **Customer Service Orientation** - ability to be responsive to requests for service and to recognize the customers' needs; ability to offer ideas for improved customer service.
3. **Ambassadorship** - ability to serve as a Department ambassador who positively and professionally promotes the ideals and values of the Department.
4. **Leadership** - the extent to which the employee is able to accept the responsibility of leadership; has the ability to organize, control and guide others to obtain satisfactory results.
5. **Problem Solving/Decision Making** - ability to perceive problems, forms valid conclusions, arrives at sound judgments and makes proper decisions.
6. **Acceptance of Personal Responsibility** - ability to take control of and coordinate various situations; accepts personal responsibility for performing work-related actions as well as extra and secondary assignments.
7. **Relationships with Co-Workers** - ability to effectively interact in a trustworthy manner with all members of the organization.
8. **Orientation Toward Work** - demonstrates a positive, accomplishment-oriented work ethic; follows directions, and plans and organizes work in an effective manner.
9. **Self-Control** - the extent to which the employee displays poise and controls emotions in routine or adverse situations.
10. **Cooperativeness** - the extent to which the employee is a team player and is willing to assist co-workers to get the job done and promote harmony and good relationships.
11. **Time Management** - ability to utilize time, committed and uncommitted, in an effective, productive manner.
12. **Attendance** - the extent to which the employee conforms to attendance rules at work.
13. **Tardiness** - the extent to which the employee is punctual at work.
14. **Appearance** - the extent to which the employee is professional in appearance.
15. **Communication Skills** - the extent to which the employee communicates orally in a clear, precise and convincing manner to both individuals and groups in a variety of settings as well as the extent to which the employee listens constructively.
16. **Writing Skills** - the extent to which the employee communicates in writing emphasizing accuracy, brevity, completeness, clarity, legibility, and objectivity using proper grammar and sentence structure.
17. **Initiative, Resourcefulness, Observation** - the employee's interest and ability to initiate job-related activity, to recognize and act on appropriate situations; uses available resources to resolve problems.
18. **Quality of Work** - the extent to which the employee completes work in a thorough, neat, accurate and effective manner, demonstrates knowledge of law and general orders.

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19. **Quantity of Work** - total quantity of work produced; speed of work; success in meeting schedules and deadlines; success in setting priorities.

20. **Safety Skills** - the extent to which the employee practices safety techniques in both routine and/or emergency situations.

21. **Operation of Equipment** - ability to utilize and care for equipment on a safe and proper manner.

22. **Community Partnerships** - ability to "know the community" needs, challenges and strengths through ongoing, effective citizen/business interactions.

23. **Problem Solving** - the ability to interpret the community needs and deliver an appropriate response utilizing the tenants of the Community-Oriented Policing and Problem Solving (COPPS) philosophy.

24. **Mentoring** - a partnership built between an employee and another employee for the purpose of developing the employee's abilities, and to ideally prepare the employee to assume future leadership or special assignment responsibilities within the organization.

25. **Investigative Skill** - ability to conduct a proper investigation with an emphasis on interviews, interrogations and crime scene investigation.

26. **Support of Organizational Goals** - the extent to which the employee supports the Department and its policies; the quality of rendering dedicated and willing service toward the attainment of the Department mission.

In addition to the aforementioned performance factors, supervisors will also be rated on the following:

27. **Approachability** - receptiveness to open communication; evaluates ability to recognize the need for employee assistance; has knowledge of employee assistance programs and other employee services.

28. **Training, Instruction and Motivation** - ability to effectively instruct personnel in performance of their duties and promote an environment in which employees have a desire to learn.

29. **Team-Building and Facilitation** - ability to facilitate and motivate staff; builds consensus as well as a sense of purpose and teamwork.

30. **Evaluating Employee Performance** - ability to evaluate the performance of a subordinate; has knowledge of the Performance Appraisal System (PAS).

31. **Disciplinary Control** - ability to maintain order and promote Department values in a disciplined environment.

1002.6 PRE-EVALUATION INTERVIEW

Before the rating supervisor begins writing the evaluation, he/she will conduct a pre-evaluation meeting to obtain input from the employee. The employee will also be given the Performance Appraisal Form B - Self Appraisal to complete and return to the supervisor.

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1002.7 EVALUATION REVIEW

Prior to delivery of the evaluation to the employee, the rating supervisor shall forward the evaluation, through the chain of command, for review for fairness, impartiality, uniformity, and consistency prior to giving it to the employee.

1002.8 EVALUATION INTERVIEW

It is important for the success of the interview that sufficient time is set aside (approximately one-half hour) and the meeting be held in private. Arrangements should be made in advance to avoid possible interruptions. The supervisor may give the employee a copy of the evaluation to read prior to the meeting. This gives the employee time to read and understand the evaluation before discussing it with the supervisor. The supervisor will find that listening, advising, guiding and encouraging the employee to develop will be much more effective than criticizing.

Prepare for the interview- The supervisor should discuss the purpose of the interview and what he/she hopes to accomplish. The supervisor should point out that the interview is not a one-way process, but rather a "joint-project" and establish an open and relaxed atmosphere.

Evaluate employee performance- The purpose of the evaluation is to review the level of the employee's accomplishment of job-related responsibilities.

Agree on the cause for less than satisfactory performance- Discuss the causes for less than satisfactory performance.

Identify action steps to improve performance- Every possible action to improve performance should be explored.

Discuss improvement action plans- A mutual plan of action is a major goal of the evaluation period. It is important that the supervisor and employee understand a plan of action should lead logically to improved performance. Appreciable improvement can be realized only when the specific plans are clear and understood by the employee.

Summarize and close the interview session constructively- After the performance evaluation has been discussed, the supervisor should restate the items to be improved to accomplish the expected results.

Ensure that the employee signs all forms, the employee is given a copy of the evaluation, and the original is forwarded to the Chief's Office for filing.

The supervisor and employee shall sign and date the evaluation. Should an employee disagree with the evaluation, the employee may submit a written rebuttal within 30 days, through the chain of command, which will then be attached with the evaluation and become a permanent part of it.

1002.9 PROBATIONARY EMPLOYEE EVALUATION - INITIAL HIRE

All initial hire peace officers are on probation for 18 months from date of initial hire or rehire. Lateral peace officers are on probation for 12 months from date of initial hire or rehire.

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Entry level trainees are on probation from the date of hire and for 18 months from the successful completion of the recruit police academy. Initial hire peace officers shall be evaluated daily on the trainee evaluation form during their assignment with a Field Training Officer (FTO). Once approved for release from the FTO program, the probationary employee's immediate supervisor will complete narrative evaluations every three months until completion of the probationary status and assignment to "regular" status. These performance evaluations will be reviewed and approved by the Patrol Bureau Sergeant and Operations Division Commander, prior to being presented to the probationary officer.

After the evaluation has been approved, the supervisor shall present it to the officer.

- (a) The officer shall sign the evaluation to verify he/she has read and understands its contents.

The evaluation shall be delivered to the Chief's Office to be filed in employee's personnel file.

1002.9.1 UNSUCCESSFUL COMPLETION OF THE INITIAL HIRE PROBATIONARY PERIOD
At any time a supervisor determines that the probationary employee's job-related performance is not meeting departmental standards and the employee is not demonstrating the ability to perform the duties and/or requirements of the classification, the supervisor should make the division commander aware via the chain of command. The division commander shall make the determination and forward all documentation supporting termination of a probationary employee to the Chief of Police. Employees, who do not satisfy the standards of the classification during the probationary period, shall be so notified in writing.

1002.10 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Human Resources Office.

Performance Improvement Plan

1003.1 PURPOSE AND SCOPE

The policy of the Cypress Police Department is that all employees are expected to perform in a competent manner in accordance with the policies and procedures of the City of Cypress and the Police Department.

During the course of an employee's career, there may exist a time when their performance is unsatisfactory or needs improvement. If normal efforts to improve performance do not cause an improvement in performance, the more formal step of a Performance Improvement Plan (PIP) may be considered. Performance Improvement Plans assist the employee in bringing their performance up to satisfactory standards. A PIP is intended to be a training process. It is a tool to help the employee improve their skills in the organization, using internal and external resources.

1003.2 INITIAL SUPERVISORY CORRECTIONS

When minor policy infractions and/or performance deficiencies are noted for the first time, verbal counseling is the preferred method for corrective action. When repeated policy infractions and/or performance deficiencies are noted, formal counseling sessions should be initiated. Such counseling sessions should be documented on a Employee Comment Card or memorandum.

- (a) The counseling session should address each identified policy infraction and/or performance deficiency and what the expected corrective action by the employee is for each deficiency.
- (b) The documentation of the counseling session should list each policy infraction and/or performance deficiency along with the expected corrective action.
- (c) Should counseling fail to correct the performance deficiency and/or ensure compliance with policy, a Performance Improvement Program may be implemented.

1003.3 ESTABLISHMENT OF A PERFORMANCE IMPROVEMENT PLAN

In furtherance of the PIP, the Department establishes this procedure whereby substandard and/or unacceptable performance can be identified and an appropriate program of corrective action can be established. To accomplish this objective, this procedure is developed upon the following key criteria:

- (a) Identification of the substandard and/or unacceptable performance or behavior.
 - 1. The unacceptable and/or substandard performance or behavior must be measurable and articulable.
- (b) Prior discussions with the employee (preferably documented on an Employee Comment Card) regarding the substandard and/or unacceptable performance or behavior.
- (c) Formal documentation of the deficiency and the expected change(s).

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- (d) Development of the document, which specifies an action plan.
- (e) Language in the document that failure to successfully complete the program will result in a reduction in pay, demotion, or termination.

1003.4 PERFORMANCE IMPROVEMENT PLAN OVERVIEW

- (a) The supervisor will prepare a draft of the PIP.
- (b) The supervisor will forward the draft of the PIP to his/her supervisor for review.
 - 1. The draft of the PIP will be forwarded through the chain-of-command to the Chief of Police for final review and approval.
 - 2. The Chief of Police will determine whether or not a supervisor will discuss the draft of the PIP with the employee prior to its finalization.
- (c) The supervisor will discuss the finalized PIP with the employee and have him/her sign the original document.
- (d) The supervisor shall follow the structured guidelines within the supervisory assistance section of the PIP and conduct any follow up counseling or progress reports as specified in the document.
 - 1. If training is stipulated, the supervisor shall ensure that the training is provided in a timely manner.
 - 2. The employee shall meet with a supervisor no less than once per week.
 - (a) If the supervisor is unable to meet with the employee during the week then the meeting should occur at the next available opportunity.
 - 3. A supervisor or his/her designee shall write an evaluation of the employee's progress no less than once per week.
 - (a) If an evaluation is not completed within the stipulated time frame then an evaluation shall be written as soon as practical.
- (e) A supervisor will complete the final progress report and forward the completed file to the respective division commander for review.
- (f) The division commander will forward the entire PIP package to the Chief of Police for review and approval.
 - (a) Should punitive action be necessary, such action will be implemented in accordance with Policy Manual § 340 Disciplinary Process.

1003.4.1 PERFORMANCE IMPROVEMENT PLAN FORMAT

- (a) Heading "€š" A standard memorandum heading shall be used:
 - 1. Date: (date of report)

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2. To: (Name of the affected employee)
 3. From: (Name of the employee's supervisor)
 4. Subject: FAILURE TO MEET PERFORMANCE STANDARDS
- (b) Performance Standards and How the Employee Failed to Meet Them
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 supervisor." Cite the specific Policy Manual section(s) that the employee has violated or failed to meet.
 2. List specifically and with detail each occasion where the employee failed to meet the listed standard.
 3. Repeat this process for each standard the employee will be required to show improvement and/or attain.
- (c) How the Employee Can Improve Their Performance
- (a) This section is a summary of the positive and/or productive behavior the supervisor expects the employee to exhibit in order to be regarded as an acceptable employee.
- (d) Supervisory Assistance and Guidance
- (a) The supervisor sets a review schedule where the supervisor will review the progress of the employee with him/her.
 - (a) Such reviews should be done daily, but at a minimum weekly.
 - (b) Each review with the employee shall be documented in a memorandum, which will be sent by the supervisor through the chain of command to the respective division commander.
 - (b) The supervisor may direct the employee to obtain training and/or counseling when appropriate.
- (e) Time Frame and Consequences
1. The supervisor will stipulate the duration of the Performance Improvement Plan.
 - (a) Normally, a Performance Improvement Plan will be 90 days in length. The minimum specified time for such a program is 60 days and the maximum time is 120 days.
 - (b) Should the employee progress at an accelerated rate, the Performance Improvement Plan may be shortened from the specified time.
- (f) The consequences of failing to satisfactorily complete the PIP must be clearly stated. In most situations, the consequence will be termination for failure to meet the specified

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performance standards within the allotted time. When appropriate, demotion and reduction in pay may be administered.

1003.4.2 INITIAL INTERVIEW WITH THE EMPLOYEE

- (a) The supervisor will address each performance deficiency identified in the PIP along with the expected corrective behavior.
- (b) The supervisor should emphasize to the employee the intent of the Department to assist the employee in improving their work product and/or behavior to meet the standards of the PIP.
- (c) The supervisor should encourage the employee's input and take appropriate notes concerning the employee's viewpoints.
 - 1. This information may be incorporated into any subsequent written reviews by the supervisor concerning the PIP.
- (d) The supervisor will advise the employee of the review process and the schedule for the review sessions.
- (e) The supervisor will inform the employee of any outside training and/or counseling that is required as part of the PIP.
- (f) The supervisor will inform the employee of the consequences that may result in the event the employee fails to satisfactorily complete the PIP.
- (g) The supervisor will ensure the employee signs the PIP and provide the employee with a copy.

1003.4.3 FOLLOW UP COUNSELING AND/OR PROGRESS REPORTS

- (a) During the duration of the PIP, a supervisor will meet in counseling sessions with the employee as specified in the PIP.
 - 1. If a scheduled counseling session is missed, a supervisor will meet with the employee at the next available opportunity.
- (b) A supervisor will review the employee's progress as it relates to each identified performance deficiency. Appropriate feedback and reinforcement should be given to the employee, whether or not the employee is improving.
- (c) Each counseling session will be documented in a memorandum directed to the respective division commander, through the chain of command.
 - 1. The division commander shall forward a copy of all reports regarding the PIP to the Chief of Police.
 - 2. The division commander shall inform the Chief of Police of any significant incidents regarding the PIP in a timely manner.

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- (d) The supervisor assigned to oversee the employee's PIP will be responsible for ensuring that any designated counseling sessions or periodic evaluation reports are completed, documented as directed, and forwarded to the employee's personnel file.
 - 1. The supervisor will ensure the employee signs the document(s) and provide the employee with a copy.

1003.4.4 FINAL REPORT FOR A PIP

- (a) At the end of the PIP, the supervisor shall prepare a final report regarding the employee's progress in the PIP.
 - 1. If the employee successfully completes the PIP, the final report should reinforce the employee's improved performance and encourage continued acceptable performance.
 - (a) If the employee successfully completes the PIP and the PIP is not part of any formal disciplinary process, all documentation of the PIP will be provided to the employee for their review and initialed prior to it being placed into the employee's personnel file.
 - 1. The PIP will remain in the personnel file for a period of not less than three years and until it has been documented in the employee's evaluation. This three year time element is based upon Federal EEOC Codes. After this point in time, the PIP documents will be removed from the personnel file and either returned to the employee or destroyed.
 - (b) If the employee successfully completes the PIP and the PIP is part of any formal disciplinary process, all of the documentation of the PIP becomes part of that disciplinary paperwork and is subject to the guidelines established in Policy Manual § 340 Disciplinary Process.
 - 2. In the event the employee does not successfully complete the PIP, the final report should:
 - (a) Specify those standards the employee failed to achieve and how he/she failed to do so.
 - (b) State that the supervisor is recommending that the penalty contained in the PIP as a consequence for non-improvement, be implemented.
 - (c) Contain a detailed account of the employee's comments regarding failing to successfully complete the PIP.
- (b) The final report, along with all follow up reports and other related documentation will be forwarded via the chain-of-command to the Chief of Police for review and appropriate action.

Solicitations, Contributions and Management of Special Funds

1005.1 PURPOSE AND SCOPE

To establish guidelines and procedures for the interaction of employees with the public and businesses when it pertains to the solicitation, acceptance of contributions, or the management of special funds.

1005.1.1 GENERAL GUIDELINES

When dealing with the public, the conduct of every employee of the Cypress Police Department is expected and required to be commensurate with the high level of public trust that is placed upon everyone within the law enforcement profession. Any public action, inaction, attitude, or opinion of police personnel, which can be interpreted as being unprofessional or unworthy of public trust can undermine and detract from the public's respect for this agency. The public's perception and relationship with law enforcement can be quickly disrupted when money, gifts, or favors are interjected into the relationship. The following sections define the requirements, restrictions and guidelines pertaining to these and other peripheral issues. This policy is in addition to, and not in lieu of, state laws and City of Cypress ordinances and policies concerning conflicts of interest and the solicitation or receipt of gifts.

In general, the Cypress Municipal Code and City Policy and Procedure Manual prohibit any employee from soliciting or receiving any gift from persons doing business with the City of Cypress.

1005.2 SOLICITATION OF FUNDS OR SERVICES

- (a) No employee, without the expressed written permission of the Chief of Police or his/her designee, shall directly solicit from any person, business, or organization any reward, contribution, discounted merchandise, loan, favor, or gift where there is any direct connection between the solicitation and your departmental membership or employment.
 - 1. With the approval of the division commander or Watch Commander, items may be accepted that can be consumed by all employees and are intended for such use by the offering person or organization. Acceptance of gifts intended for the entire department, such as cookies and cakes, that are made available to all personnel, shall not constitute a violation of this policy directive.
- (b) No employee shall solicit or accept, directly or indirectly, any form of compensation or favor from any person they know, or should know, is under investigation for any crime, or in custody, or from anyone acting on behalf of, or in conjunction with any such person.
- (c) No employee, without the expressed written permission of the Chief of Police or his/her designee may solicit, establish, control, manage, or participate in any funds on behalf

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of the Cypress Police Department. An employee, who, as part of their employment responsibilities, has been specifically assigned fiduciary duties, is not in violation of this policy directive.

1005.2.1 CREATION OF SPECIAL FUNDS WITHIN THE AGENCY

No employee, without the expressed written permission of the Chief of Police or his/her designee may create any special funds on behalf of or in conjunction with any special assignments (ie: Canine Team, SWAT, Explorers), any employee groups (ie: Records Unit), or any special projects (ie: Citizen Academy).

1005.2.2 PROTOCOL FOR ACCEPTANCE OF CONTRIBUTIONS TO THE AGENCY

On occasion, employees may be approached by members of the public or businesses in regards to making a contribution to the agency, or special assignment within the agency. If this should occur, the following guidelines shall be followed:

- (a) Once the employee has been offered any potential contribution, discount, favor, or anything else of value, the employee shall advise the person(s) making this offer that they do not have the authority to accept such an offer. The employee shall advise the person(s) who made the offer that they should contact their respective division commander if they wish to make a contribution to the agency.
- (b) The employee shall immediately notify their division commander, via the chain of command, regarding the offer of any form of contribution to the agency or special assignment within the agency.
- (c) The division commander shall immediately advise the Chief of Police or his/her designee regarding the offer of any form of contribution to the agency or special assignment within the agency.
- (d) The Chief of Police or his/her designee is the only employee within the agency who can authorize the acceptance of any form of contribution to the agency. As such, the Chief of Police shall follow the appropriate guidelines established within the City's policies and procedures regarding the acceptance of contributions.

1005.3 SOLICITATION OF CONTRIBUTIONS BY CPOA AND/OR EMPLOYEES

The Cypress Police Department and the Chief of Police acknowledge that the Cypress Police Officers' Association (CPOA) is the only recognized police officers' bargaining unit, as is established through the Memorandum of Understanding (MOU). As such, it is also acknowledged that CPOA has the authority, subject to applicable state laws and City ordinances, to solicit and receive contributions, gifts, loans, discounted merchandise, or other things of value from the public or businesses. The fact that employees may be involved in conducting solicitations or the acceptance of contributions through the auspices of CPOA, necessitates the following guidelines:

- (a) No employee, without the expressed written permission of the Chief of Police or his/her designee may directly solicit or accept from any person, business, or organization

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any reward, contribution, discounted merchandise, loan, favor, gift, or anything else of value unless it is clearly represented by the employee that such actions are being conducted solely on behalf of the CPOA and that these actions are being conducted without any direct benefit to the Cypress Police Department.

- (b) No employee, without the expressed written permission of the Chief of Police or his/her designee may form, represent, or be associated with, either directly or indirectly, any person, business, or organization whose name, acronym, symbol, emblem, business card, or any other representation might lead a reasonable person to believe that the person, business, or organization is connected, either directly or indirectly, with the Cypress Police Department. This section does not apply if the organization in question is the CPOA.

Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

Use of these procedures shall not reflect unfavorably on employees of the City. Retaliatory or discriminatory action against an employee for using this procedure, or discrimination in the application of a rule or policy shall be a violation of City policy.

1006.1.1 PURPOSE OF RULES

The purpose of the procedure is to provide a means; whereby, employees may obtain fair, impartial and orderly review and consideration of grievances within a reasonable time period, without jeopardizing their position or employment.

1006.2 PROCEDURE

The Appeal, Grievance, and Hearing Procedure can be found in the City of Cypress Personnel Rules and Regulations Chapter 12.

Reporting of Employee Convictions

1009.1 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.

1009.2 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.

1009.3 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.

1009.4 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

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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.

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.

1009.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1009.5.1 NOTIFICATION REQUIREMENTS

The Support Services Supervisor shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Support Services Supervisor shall submit within 30 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).

Drug- and Alcohol-Free Workplace

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1011.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1011.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1011.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1011.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1011.4 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. This does not include members, who as part of a special assignment and with the authorization of a supervisor, may be involved in the previous activities as part of a covert investigation.

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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).

1011.5 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 Office, 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.

1011.6 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.

1011.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

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1011.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1011.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

1011.8 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

1011.9 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

Sick Leave

1013.1 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).

1013.2 POLICY

It is the policy of the Cypress Police Department to provide eligible employees with a sick leave benefit.

1013.3 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.

1013.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Sick Leave

1013.4 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.

1013.5 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 Office as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1013.6 REQUIRED NOTICES

The Human Resources Manager 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.

Communicable Diseases

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1015.1.1 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 Cypress Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1015.2 POLICY

The Cypress 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.

1015.3 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.

1015.4 EXPOSURE CONTROL OFFICER

The City of Cypress Human Resources Manager is 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.

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- (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.
 - (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 (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1015.5 EXPOSURE PREVENTION AND MITIGATION

1015.5.1 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.

1015.5.2 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).

1015.5.3 PROVIDED PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves (keeping a box in the car recommended).
- Rescue mask with a one-way valve.
- Isopropyl alcohol (or similar substance) to flush skin at emergency site. Keeping several alcohol hand wipes or hand sanitizer in a vehicle is recommended.
- PPE chemical exposure suits.
- Safety glasses or goggles.

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

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1015.5.4 DECONTAMINATION

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The member shall wash up and replace the personal protective equipment if the job has not been terminated.

Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a 10% bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of an appropriate germicide. While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots).

Contaminated equipment should be cleaned using an appropriate germicide or a 10:100 (10%) solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, or blood clots, should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing can be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Administrative Sergeant. The Administrative Sergeant will secure a dry cleaner that is capable of cleaning contaminated clothing and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an appropriate germicide as soon as feasible.

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1015.5.5 DISPOSAL

Officers shall dispose of a biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station promptly upon arrival. The biohazard waste container located at the station in the sally port and/or crime lab shall be leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1015.6 POST EXPOSURE

1015.6.1 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.

1015.6.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

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1015.6.3 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.

1015.6.4 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).

1015.6.5 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.
- (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.

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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.

The ECO should remain in contact with the County Health Officer to determine whether testing of the individual will occur and whether the testing satisfies the medical needs of the member.

The results of the tests should be made available to the individual and the exposed member.

1015.6.6 ADDITIONAL SOURCE TESTING PROCEDURE

Any member who believes that he/she came into contact with bodily fluids of an individual who has been arrested or taken into custody shall complete a State Department of Health Services form (CDPH 8479). This form includes the names of witnesses to the incident, names of persons involved in the underlying incident, and if feasible, any written statements from these parties. This form shall be in addition to any other reports related to the underlying incident (Penal Code § 7510). The form shall be faxed to the Orange County Health Care Agency at 714-565-3788. The form can be downloaded at <http://www.cdph.ca.gov/pubsforms/forms/ctrlldforms/cdph8479.pdf>.

The member's form CDPH 8479 shall be submitted by the end of the shift during which the incident occurred, or if not practicable, as soon as possible, but no longer than two days after the incident, unless waived by the county's Chief Medical Officer.

Upon completion of form CDPH 8479, it and all available related reports shall be forwarded as soon as practicable to the County's Chief Medical Officer. The member shall assist in the investigation of the incident as requested by the Orange County Public Health Department. If the member wants the individual tested, he/she should complete a form CDPH 8459.

1015.7 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.

Smoking and Tobacco Use

1016.1 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 Cypress 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.

1016.2 POLICY

The Cypress Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1016.2.1 GUIDELINES BASED ON HIRE DATE

Employees hired after October 8, 2001, shall not smoke or use tobacco products at any time while on-duty. Employees hired prior to October 8, 2001, shall not smoke or use tobacco products in public view while on-duty. Violation of this Policy may result in appropriate disciplinary action (Memorandum of Understanding between the City of Cypress and the Cypress Police Officers' Association dated October 8, 2001).

1016.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Cypress Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1016.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1016.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

1018.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department. Also refer to Policy Manual Chapter 340 - Disciplinary Policy.

1018.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Support Services Captain depending on the seriousness and complexity of the investigation.

1018.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

- (a) All employees when contacted by a complainant shall notify a supervisor or the Watch Commander as soon as possible.
- (b) All supervisors shall make every attempt to make contact with a complainant as soon as possible.
- (c) The supervisor receiving a complaint should attempt to learn as much about the allegations against the employee as possible. However, if the complainant does not want to discuss the incident with anyone and only wants to be given a Complaint by Member of the Public form, the supervisor shall immediately give that person a Complaint by Member of the Public form.

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- (d) When immediate action is necessary, or the alleged misconduct is such that it may subject the City to severe criticism and/or liability, the concerned division commander shall be immediately notified. The division commander shall provide any additional assistance, as needed, to the supervisor receiving the complaint. The division commander shall then notify the Chief of Police as soon as practical.
- (e) The supervisor accepting the complaint shall generate a memorandum summarizing the complaint and forward it to the respective division commander. When possible, interviews should be recorded.

1018.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be made available to anyone upon request and are available at the front desk.

1018.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action shall notify the respective division commander.
- (c) Anonymous complaints and third party complaints shall be accepted and investigated to the extent that sufficient information is provided.

1018.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be offered a Complaint by Member of the Public form. Afterward, the supervisor shall document the allegations in a memorandum to the division commander.
- (d) Complaints from juveniles should generally be handled in the same manner as those received from adults. Unless there are extraordinary circumstances in the allegation,

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the supervisor should notify the parents that a complaint has been received and is being investigated by the Department.

1018.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a memorandum. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints in the form of a memorandum. The memorandum shall be forwarded to the Chief of Police via the chain of command.

When a Complaint by Member of the Public (CMP) form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7(b).

Any telephone conversations with a complainant or witness to the alleged misconduct should be conducted on a recorded line. If the complaint is not related to any violation of criminal law, the supervisor or investigating party should notify the other party that the conversation is being recorded (Penal Code § 632). The recording of any such conversation should be included with the personnel investigation's case file.

1018.2.5 FALSE COMPLAINT ADMONITION

Every person making a false complaint in person shall be instructed to carefully read and sign the admonitions on the Complaint by Member of the Public form addressing consequences of filing a false complaint pursuant to Penal Code § 148.6 and Civil Code § 47.5.

If the person refuses to sign the admonition, the supervisor should indicate "refused to sign" and initial the appropriate signature block. A refusal to sign shall not, by itself, be considered grounds for rejecting a complaint, but may be taken into consideration when determining the manner in which the matter should be handled.

If the complaint is received by telephone, the receiving supervisor should read the admonitions to the complainant and sign the signature block with a notation of the date and time read. If the complainant later appears in person, a second form should be completed and signed by the individual.

1018.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

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In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Division Commander, and Chief of Police are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Division Commander of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Administration Division Commander for further action.
 - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 - 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
 - 3. 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 Division Commander or the Chief of Police who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Human Resources Office and the Chief of Police for direction regarding their role in investigation and/or addressing the complaint.

1018.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, the Chief of Police or his/her designee may assign the accused employee to inactive duty pending completion of the investigation, the filing of administrative charges, or completion of a fitness for duty evaluation.

When it is contrary to the best interests of the City for an employee to continue his/her regular duties, the employee may be relieved from regular duty and assigned to inactive duty by the Chief of Police or his/her designee.

1018.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

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- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, department identification, assigned weapon(s) and any other department equipment.
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity.
- (d) The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (e) The employee may be ordered not to contact any city employee, including subordinates, supervisory staff, and co-workers, either on or off-duty to discuss the matter under investigation.
- (f) The employee may be ordered not to perform any service on behalf of, or in the name of the City of Cypress.
- (g) The employee may be ordered to fully cooperate with the assigned investigator or evaluator, and make themselves available during prescribed times. If the investigator/evaluator, or another member of the staff, calls during the employee's scheduled work hours, they must either be available to take the call or return the call within one (1) hour of when the phone message was left. Failure to do so may result in additional discipline.
 - 1. Employees shall provide complete and truthful responses to questions posed during interviews.
- (h) The employee may be ordered to cease any previously approved outside employment and not be permitted to engage in any new outside employment.
- (i) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
- (j) It shall be the responsibility of the assigning supervisor to promptly notify the employee's division commander and the Chief of Police.
- (k) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

1018.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart

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from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

Employees shall provide complete, truthful responses to questions posed during interviews.

No information or evidence administratively coerced from an employee may be provided to a criminal detective. However, any information obtained from a criminal investigation may be provided to the administrative investigation.

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.

1018.5.1 CYPRESS PD EMPLOYEE DETAINED FOR A CRIMINAL OFFENSE BY OUTSIDE AGENCY

- (a) **Cypress Police Officer** - If the employee is a Cypress Police Officer, also refer to the procedures in Policy Manual § 1020.5 - Allegations of Criminal Conduct by Cypress PD personnel. In addition, the following guidelines shall apply:
1. The following notifications shall be made:
 - (a) The Watch Commander.
 - (b) The involved employee's division commander.
 - (c) The Chief of Police.
 2. If an internal investigation is authorized, the Chief of Police or his/her designee will advise the concerned members of the outside agency that the impending investigation by the Cypress Police Department will be for administrative purposes only.
 3. A police supervisor shall respond to the scene and conduct an initial inquiry into the facts of the incident.
 - (a) Once the initial facts of the incident have been established, the supervisor shall notify the Watch Commander as soon as practical.

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- (b) The supervisor on-scene should limit the scope of their investigation to an administrative investigation for review. If an interview of the employee occurs, Government Code § 3300 et. seq. guidelines (as outlined in Policy Manual § 1020.6 - Administrative Investigation of a Complaint) shall apply in gathering the initial facts for a potential administrative investigation.
- 4. If the outside agency has requested the Cypress Police Officer to submit to a chemical or breath test and the employee has refused to submit to the request, an order to submit to the test, for the purposes of the administrative investigation only, shall be given by the first available supervisor. Also refer to Policy Manual § 1020.6.1 Administrative Searches.
- 5. All evidence obtained solely as a result of the personnel investigation is confidential and shall not be disclosed to members of the outside agency conducting the criminal investigation or to any other unauthorized persons.
- (b) **Civilian Cypress Police Department Employees** - When so advised by an outside public agency, the Cypress Police Watch Commander shall make the following notifications:
 - (a) The employee's division commander.
 - (b) The Chief of Police.
 - (a) In consultation with the division commander, the Chief of Police or his/her designee will determine the extent of any further involvement.

1018.5.2 CITY EMPLOYEE INVOLVED IN TRAFFIC COLLISION, DETAINED, OR SUSPECTED OF COMMITTING A CRIME WITHIN THE CITY

- (a) When an employee is involved in a traffic accident while driving a city vehicle, or is detained or arrested for a felony or misdemeanor offense committed in the City, the following notifications shall be made (also refer to Policy Manual § 358 - Major Incident Notifications and § 502 - Traffic Collision Reporting):
 1. The Watch Commander.
 2. The Operations Division Commander.
 3. The Chief of Police.
 - (a) Only the Chief of Police or his/her designee is authorized to make notification to the City Manager and/or the employee's department head.
- (b) A police supervisor shall respond to the scene and conduct an initial inquiry into the facts of the incident and oversee the investigation.
 - (a) Once the initial facts of the incident have been established, the supervisor shall notify the Watch Commander as soon as practical.

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- (b) The scope of the criminal investigation shall be the same as that for a private person detained under similar circumstances.
- (c) If the incident involves a traffic accident, please refer to Policy Manual § 502.3 through 502.4.
- (c) When any Police Department employee is notified or becomes aware of an impending investigation of a criminal offense committed by a city employee, the department employee shall notify their division commander as soon as practical.
 - (a) The division commander shall notify the Chief of Police.
 - (b) Only the Chief of Police or his/her designee shall be authorized to notify the City Manager and/or the employee's department head.
 - (c) The Investigations Division Commander or his/her designee shall oversee any investigative action, and if appropriate, the seeking of a criminal complaint.
 - (a) The Investigations Division Commander shall keep the Chief of Police informed as to the investigation, significant events associated with the investigation, and the intent to seek a criminal complaint against the city employee.

1018.5.3 OUTSIDE AGENCY SWORN PERSONNEL DETAINED OR SUSPECTED OF CRIMINAL CONDUCT

- (a) Any law enforcement agency is authorized to release information to another law enforcement agency 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.
- (b) Except for minor traffic infractions, if a peace officer from an outside agency is arrested or detained by officers from the Cypress Police Department, the Watch Commander shall be notified as soon as practical.
 1. The Watch Commander shall immediately notify the Operations Division Commander of the Cypress Police Department when a peace officer from an outside agency is arrested or in other cases based upon the discretion of the Watch Commander.
 2. The Operations Division Commander should notify the Chief of Police or his/her designee.

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- (a) In consultation with the division commander, the Chief of Police or his/her designee will decide when and how any notification is made to the peace officer's agency.
- (c) When a civilian employee from another city is arrested or detained by officers from the Cypress Police Department, Penal Code § 432.7(b) does not provide for disclosure to that person's agency.

1018.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or a member assigned to the Professional Standards Unit/ Investigations Division Commander, the following procedures shall be followed with regard to the accused employee(s):

Government Code § 3300. Peace Officer Bill of Rights

This chapter is known and may be cited as the Public Safety Officers Procedural Bill of Rights Act.

Government Code § 3301. Peace Officer-Defined

For purposes of this chapter, the term public safety officer means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code. The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

Government Code § 3302. Political Activity

- (a) Except as otherwise provided by law, or whenever on-duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.
- (b) No public safety officer shall be prohibited from seeking election to, or serving as a member of, the governing board of a school district.

Government Code § 3303. Investigation-

Conditions When any public safety officer is under investigation and subjected to interrogation by his/her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

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(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures, and the public safety officer shall not be released from employment for any work missed.

(b) The public safety officer under investigation shall be informed prior to the interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.

(c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

(d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his/her own personal physical necessities.

(e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his/her express consent nor shall his or her home address or photograph be given to the press or news media without his/her express consent.

(f) No statement made during interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding. This subdivision is subject to the following qualifications:

(1) This subdivision shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any public safety officer, including disciplinary action brought under Section 19572.

(2) This subdivision shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.

(3) This subdivision shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an in camera review to determine whether the statements serve to impeach the testimony of the officer.

(4) This subdivision shall not otherwise prevent the admissibility of statements made by a public safety officer under interrogation if that officer subsequently is deceased.

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(g) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports that are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his/her own recording device and record any and all aspects of the interrogation.

(h) If prior to or during the interrogation of a public safety officer it is deemed that he/she may be charged with a criminal offense, he/she shall be immediately informed of his/her constitutional rights.

(i) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his/her request, shall have the right to be represented by a representative of his/her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters.

1. This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

NOTE: In order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his/her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

Government Code § 3304. Rights-Punitive Action Prohibited

(a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure. Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him/her with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency against any public safety officer who has successfully completed the

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probationary period that may be required by his/her employing agency without providing the public safety officer with an opportunity for administrative appeal.

(c) No Chief of Police may be removed by a public agency, or appointing authority, without providing the Chief of Police with written notice and the reason or reasons therefor and an opportunity for administrative appeal. For purposes of this subdivision, the removal of a Chief of Police by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, for reasons including, but not limited to, incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute "reason or reasons." Nothing in this subdivision shall be construed to create a property interest, where one does not exist by rule or law, in the job of Chief of Police.

(d) Except as provided in this subdivision and subdivision (g), no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct. This one-year limitation period shall apply only if the act, omission, or other misconduct occurred on or after January 1, 1998. In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that year, except in any of the following circumstances:

(1) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.

(2) If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.

(3) If the investigation is a multi-jurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.

(4) If the investigation involves more than one employee and requires a reasonable extension.

(5) If the investigation involves an employee who is incapacitated or otherwise unavailable.

(6) If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.

(7) If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.

(8) If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer.

(e) Where a predisciplinary response or grievance procedure is required or utilized, the time for this response or procedure shall not be governed or limited by this chapter.

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(f) If, after investigation and any predisciplinary response or procedure, the public agency decides to impose discipline, the public agency shall notify the public safety officer in writing of its decision to impose discipline, including the date that the discipline will be imposed, within 30 days of its decision, except if the public safety officer is unavailable for discipline.

(g) Notwithstanding the one-year time period specified in subdivision (d), an investigation may be reopened against a public safety officer if both of the following circumstances exist:

(1) Significant new evidence has been discovered that is likely to affect the outcome of the investigation.

(2) One of the following conditions exist:

(A) The evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by the agency.

(B) The evidence resulted from the public safety officer's predisciplinary response or procedure.

(h) For those members listed in subdivision (a) of Section 830.2 of the Penal Code, the 30-day time period provided for in subdivision (f) shall not commence with the service of a preliminary notice of adverse action, should the public agency elect to provide the public safety officer with such a notice.

Government Code § 3304.5. Administrative Appeal

An administrative appeal instituted by a public safety officer under this chapter shall be conducted in conformance with rules and procedures adopted by the local public agency.

Government Code § 3305. Personnel File-Adverse Comments

No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his/her employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer.

Government Code § 3306. Response to Adverse Comments

A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

Government Code § 3306.5 Inspection of Personnel Files

(a) Every employer shall, at reasonable times and at reasonable intervals, upon the request of a public safety officer, during usual business hours, with no loss of compensation to the officer, permit that officer to inspect personnel files that are used or have been used to determine that officer's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action.

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(b) Each employer shall keep each public safety officer's personnel file or a true and correct copy thereof, and shall make the file or copy thereof available within a reasonable period of time after a request therefor by the officer.

(c) If, after examination of the officer's personnel file, the officer believes that any portion of the material is mistakenly or unlawfully placed in the file, the officer may request, in writing, that the mistaken or unlawful portion be corrected or deleted. Any request made pursuant to this subdivision shall include a statement by the officer describing the corrections or deletions from the personnel file requested and the reasons supporting those corrections or deletions. A statement submitted pursuant to this subdivision shall become part of the personnel file of the officer.

(d) Within 30 calendar days of receipt of a request made pursuant to subdivision (c), the employer shall either grant the officer's request or notify the officer of the decision to refuse to grant the request. If the employer refuses to grant the request, in whole or in part, the employer shall state in writing the reasons for refusing the request, and that written statement shall become part of the personnel file of the officer.

Government Code § 3307. Lie Detector

(a) No public safety officer shall be compelled to submit to a lie detector test against his/her will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a lie detector test, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take, or did not take, a lie detector test, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take, or was subjected to, a lie detector test.

(b) For the purpose of this section, "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

Government Code § 3307.5. Public Safety Officer Photograph or Identity on Internet

(a) No public safety officer shall be required as a condition of employment by his/her employing public safety department or other public agency to consent to the use of his/her photograph or identity as a public safety officer on the Internet for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to that officer or his or her family.

(b) Based upon his/her reasonable belief that the disclosure of his or her photograph or identity as a public safety officer on the Internet as described in subdivision (a) may result in a threat, harassment, intimidation, or harm, the officer may notify the Department or other public agency to cease and desist from that disclosure. After the notification to cease and desist, the officer, a district attorney, or a United States Attorney may seek an injunction prohibiting any official or unofficial use by the Department or other public agency on the Internet of his/her photograph or

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identity as a public safety officer. The court may impose a civil penalty in an amount not to exceed five hundred dollars (\$500) per day commencing two working days after the date of receipt of the notification to cease and desist.

Government Code § 3308. Disclosure of Property-Finances

No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered.

Government Code § 3309. Locker Searches

No public safety officer shall have his locker, or other space for storage that may be assigned to him/her searched except in his/her presence, or with his/her consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

Government Code § 3309.5. Rights Protected

(a) It shall be unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed to him/her by this chapter.

(b) Nothing in subdivision (h) of Section 11181 shall be construed to affect the rights and protections afforded to state public safety officers under this chapter or under Section 832.5 of the Penal Code.

(c) The superior court shall have initial jurisdiction over any proceeding brought by any public safety officer against any public safety department for alleged violations of this chapter.

(d) (1) In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary injunction, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer.

(2) If the court finds that a bad faith or frivolous action or a filing for an improper purpose has been brought pursuant to this chapter, the court may order sanctions against the party filing the action, the party's attorney, or both, pursuant to Sections 128.6 and 128.7 of the Code of Civil Procedure. Those sanctions may include, but not be limited to, reasonable expenses, including attorney's fees, incurred by a public safety department as the court deems appropriate. Nothing in this paragraph is intended to subject actions or filings under this section to rules or standards

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that are different from those applicable to other civil actions or filings subject to Section 128.6 or 128.7 of the Code of Civil Procedure.

(e) In addition to the extraordinary relief afforded by this chapter, upon a finding by a superior court that a public safety department, its employees, agents, or assigns, with respect to acts taken within the scope of employment, maliciously violated any provision of this chapter with the intent to injure the public safety officer, the public safety department shall, for each and every violation, be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) to be awarded to the public safety officer whose right or protection was denied and for reasonable attorney's fees as may be determined by the court. If the court so finds, and there is sufficient evidence to establish actual damages suffered by the officer whose right or protection was denied, the public safety department shall also be liable for the amount of the actual damages. Notwithstanding these provisions, a public safety department may not be required to indemnify a contractor for the contractor's liability pursuant to this subdivision if there is, within the contract between the public safety department and the contractor, a "hold harmless" or similar provision that protects the public safety department from liability for the actions of the contractor. An individual shall not be liable for any act for which a public safety department is liable under this section.

Government Code § 3310. Chapter Substitution by Agency

Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such a procedure.

Government Code § 3311. Mutual Aid-Chapter Application

Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where such activity is deemed necessary or desirable by the jurisdictions or the agencies involved.

Government Code § 3312. Wearing Pins Or Displaying Items Containing American Flag

Notwithstanding any other provision of law, the employer of a public safety officer may not take any punitive action against an officer for wearing a pin or displaying any other item containing the American flag, unless the employer gives the officer written notice that includes all of the following:

- (a) A statement that the officer's pin or other item violates an existing rule, regulation, policy, or local agency agreement or contract regarding the wearing of a pin, or the displaying of any other item, containing the American flag.
- (b) A citation to the specific rule, regulation, policy, or local agency agreement or contract that the pin or other item violates.

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(c) A statement that the officer may file an appeal against the employer challenging the alleged violation pursuant to applicable grievance or appeal procedures adopted by the department or public agency that otherwise comply with existing law.

1018.6.1 ADMINISTRATIVE SEARCHES

- (a) Any on-duty employee exhibiting objective symptoms of being under the influence of an alcoholic beverage, illegal drug, and/or a legal drug may be administratively ordered to submit to a blood, breath, or urine test. The type of said test is to be at the election of the Chief of Police or his/her designee. The results of such compelled testing shall be restricted to an administrative investigation.
- (b) Any employee (on-duty or off-duty) involved in a shooting, death from police action, driving a city-owned vehicle, or injury/fatal traffic collision may be administratively ordered to submit to a blood, breath, or urine test. The type of said test is to be at the election of the Chief of Police or his/her designee. The results of such compelled testing shall be restricted to the administrative investigation.
- (c) The Chief of Police or his/her designee may compel any off-duty employee who is exhibiting objective symptoms of being under the influence of an illegal drug an/or a legal drug possessed illegally to submit to a blood, breath, or urine test. The type of said test is to be at the election of the Chief of Police or his/her designee. The results of such compelled testing shall be restricted to the administrative investigation.
- (d) 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).
- (e) Employees shall have no expectation of privacy when using telephones, computers, e-mail, radios, or other communications devices or electronic media provided by the department.
- (f) 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).
- (g) All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor for non-investigative purposes (e.g., obtaining a misplaced, lost and/or needed report, radio, etc.). An investigative search of such areas shall only be conducted upon reasonable suspicion that official misconduct is involved. Such searches should be conducted in the presence of an uninvolved supervisor.

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- (h) Administrative investigative searches of lockers, desks, assigned vehicles, etc. shall not include the search of any closed containers within those areas, unless there are other legal guidelines that permit the search of the closed container(s).
- (i) Department assigned vehicles, desks, work areas, storage lockers, etc., may be accessed by a supervisor during the course and scope of a personnel investigation, criminal investigation, or when a legitimate need arises. Searches conducted within the course and scope of a personnel investigation shall follow the guidelines incorporated within the Peace Officer Bill of Rights (Government Code §3300 et. al.). Searches conducted within the course and scope of a criminal investigation shall follow the guidelines of search and seizure laws. Accessing any of the above described locations for other legitimate reasons shall be conducted with common sense and a sensitivity for the privacy of all employees. Only supervisors are authorized to access the assigned areas of another employee. The supervisor must first notify the watch commander or respective division commander before accessing the assigned area of any employee for any reason.

1018.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Table of Contents

Complainant -Name

Subject Officer(s) - List

Witnesses - List

Investigative Personnel - List

Findings - List each alleged section by policy/code number and description, disposition and a brief comment.

Summary of Incident Under Investigation - Briefly summarize incident.

Standard of Proof - In weighing the available evidence, it is appropriate to apply the general civil standard of proof. An event is found to have occurred if a preponderance of the evidence obtained during the investigation supports that conclusion. That is, when the evidence is viewed as a whole, it is more likely than not that the event happened. In addition, in relying on information, it is critical that information be both reliable and susceptible of proof. Credibility resolutions are made if there is a reasonable basis for doing so.

Investigative Documents - Generally speaking, the investigation consisted of a review of pertinent investigative instruments, which includes, but is not limited to documents, videos, audio recordings and interviews of persons thought to have knowledge of the matters under investigation. As part of the investigative process, I have reviewed and relied upon the following:

Interview Summaries

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Factual Findings / Analysis and Conclusion - Provide a list of findings, including analysis and conclusions.

1018.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Misconduct not in the Original Complaint - If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1018.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. If the nature of the allegations 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 or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

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1018.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Support Services Division Commander apart from the employee's personnel file.

Seat Belts

1020.1 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).

1020.1.1 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.

1020.2 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.

1020.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1020.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police. Seat belt extensions are allowed to be used.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1020.5 POLICY

It is the policy of the Cypress Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

Seat Belts

1020.6 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).

1020.7 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.

1020.8 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

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1022.2 POLICY

It is the policy of the Cypress 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.

1022.2.1 EXCEPTIONS TO THE REQUIRED WEARING OF BODY ARMOR

Body armor vests are not required to be worn when in uniform at ceremonial events (ie: Rotary meetings, police academy graduations, award banquets, etc.) or when assigned to a position in the station.

1022.3 ISSUANCE OF BODY ARMOR

The Police Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Cypress Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice. Individual officers may obtain and wear body armor of their own choice so long as it meets, or exceeds, Department specifications and is approved by Personnel and Training.

The Police Administration 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.

1022.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training on uniformed duty in the field.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be

Body Armor

compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

- (f) Body armor vests are not required to be worn when in uniform at ceremonial events (ie: Rotary meetings, police academy graduations, award banquets, etc.) or when assigned to a position in the station.

1022.3.2 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.

1022.3.3 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.

1022.4 RANGEMASTER RESPONSIBILITIES

Personnel and Training should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1024.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1024.2 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).

1024.3 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 maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
 - 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 two years (Government Code § 26202; Government Code § 34090).
 - 2. Disciplinary action resulting from a sustained civilian's complaint 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).
 - 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

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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.

1024.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1024.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1024.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Support Services Division Commander 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 Support Services Division 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

Investigation files arising out of civilian's complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that

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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 two years (Government Code § 26202; Government Code § 34090).

1024.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1024.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1024.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

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All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1024.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1024.9 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 Support Services Division Commander 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)(2)):

- 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, or whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

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Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

- (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.
- (b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) 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 sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

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)(3)).

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)(4) against the officer. 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 sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

1024.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

- (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 complainants 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 misconduct and serious 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

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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)(6)).

1024.9.2 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 records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury 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 use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident where 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 whichever occurs later:
 - (a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force
 - (b) Thirty days after the close of any criminal investigation related to the officer's use of force

1024.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, 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

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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 use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, 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)(7)).

1024.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her 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.
- (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,

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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.

1024.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Special Assignment and Promotional Policy

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to establish department policy on qualifications for special assignment and set forth the selection procedure for these positions. It will also list the procedure for promotion and the required and desirable qualifications for promotion within the ranks of the Cypress Police Department.

1026.2 SPECIAL ASSIGNMENT PROCESS - GENERAL GUIDELINES

- (a) From time to time, employees may be assigned to special assignments. There is no period of probation required and no permanency or seniority may be obtained in a special assignment. All special assignments and part-time or temporary assignments shall be made or revoked at the discretion of the Chief of Police.
- (b) Normally, a memorandum will be issued by the respective division commander or his/her designee announcing the screening and selection process. Once a list is established, it will normally be good for six months, unless exhausted, canceled, or merged with another current eligibility list.
- (c) Qualifications and any other selection criteria are subject to change as directed or required under federal or state law, or other applicable regulatory laws or resolutions.

1026.2.1 ASSIGNMENT GUIDELINES

In an effort to better balance the concerns of involved employees and to ensure that the needs of the Department are best met, the following guidelines for selection to special assignments will be adopted:

- (a) Generally, a special assignment is considered any primary assignment other than routine patrol shifts. For the position of Police Services Officer (PSO), it would be other than the Temporary Holding Facility. Special assignments include but are not limited to: Criminal Investigations Bureau, Traffic Unit, P.A.C.E./School Resource Officer, Lead Police Officer, Canine Officer, Administration, and Personnel and Training. Part-Time or temporary assignments such as Field Training Officer and/or SWAT will use selection criteria that are articulated in their respective Operational and Procedural Manuals.
- (b) The standard term for a special assignment for all non-management sworn and civilian personnel will be for three years. Extensions may be granted twice for up to a one year period of time each. Requests for extensions must be submitted in writing and through the chain of command to the Chief of Police. The request for extension may be initiated by either the individual in the special assignment or by the supervisor of the unit. Extensions must be approved by the Chief of Police.

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- (c) Canine officers will typically have a tour of duty for the working life of the police service dog. Early release from this commitment may be obtained upon written request by the handler, and with the approval of the Chief of Police.
- (d) Personnel interested in applying for special assignments will be required to participate in a selection process to be determined by the Chief of Police or his/her designee. The rating system for the selection process will consist of either "qualified" or "not qualified at this time."
- (e) An eligibility list will be maintained for a period of no more than six months for special assignment positions.
- (f) Personnel desiring to transfer from any special assignment prior to the completion of the three year term must submit a request in writing through the chain of command to the Chief of Police. The Chief of Police retains the discretion to either approve or deny the requested transfer.
- (g) Personnel will be limited to two consecutive terms in any different special assignments. At the conclusion of the terms, involved sworn personnel must return to uniformed patrol, and PSOs to the Temporary Holding Facility, for at least six months prior to applying for another special assignment.
- (h) Any full or part-time civilian employee assigned to the Property/Evidence Unit will be required to submit to a polygraph examination prior to assignment (if a polygraph examination was not a part of the pre-employment testing), and at the conclusion of the assignment.

1026.2.2 DESIRABLE QUALIFICATIONS FOR SPECIAL ASSIGNMENT

The following qualifications apply to consideration for special assignment:

- (a) Off probation or not on any formal performance improvement program.
- (b) Has shown an expressed interest in the position applied for.
- (c) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (d) Complete any training required by POST or statute.

1026.2.3 GENERAL EVALUATION CRITERIA FOR SPECIAL ASSIGNMENT

The following considerations will be used when considering employees for promotion or transfer to a specialty assignment:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition, which aids in their performance.
- (c) Demonstrates the following traits:
 - 1. Emotional stability and maturity.

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2. Stress tolerance.
 3. Sound judgment and decision making.
 4. Personal integrity and ethical conduct.
 5. Leadership.
 6. Initiative.
 7. Adaptability and flexibility.
 8. Ability to support organizational goals and objectives in a positive manner.
 9. Ability to effectively interact with the public and coworkers.
 10. Knowledge, skills and abilities relative to the position.
 11. Team building.
- (d) Exemplifies good character through demonstrating trustworthiness, respect, responsibility, fairness, caring and citizenship.

1026.2.4 SELECTION PROCESS

The selection for special assignments will be filled at the discretion of the respective division commander and Chief of Police. The following testing process will be utilized, but is not limited to:

- (a) The division commander or his/her designee will distribute an announcement requesting memorandums of interest describing the candidate's interest, qualifications, and benefits to the program, organization and community. Also, copies of the last two performance appraisals will be submitted with the memorandum.
- (b) A 360 evaluation will be used only for the LPO position and sent to the LPO candidate's peers, supervisors, and subordinates (when applicable).
- (c) A supervisory assessment/evaluation by all supervisors may be conducted. This assessment will consist of a written assessment form and/or a group discussion and assessment.
- (d) An oral interview.

Based upon the results of the testing process, the respective division commander will submit his/her recommendations to the Chief of Police. The Chief of Police will make the final appointment.

At the conclusion of the testing process, the division commander or his/her designee will ensure the testing evaluation and materials are summarized and reviewed with each candidate. The testing materials will be filed in an administrative testing file maintained by the secretary to the Chief of Police, and will not be stored in the employee's personnel file. The policy and procedures for all positions may be modified or waived for temporary assignments, emergency situations, training, or for the needs of the Department.

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1026.2.5 MANAGEMENT RESPONSIBILITY

Enhancing the careers of our personnel, while developing the organization to its full potential, are critical managerial responsibilities. Career and organizational development are both effectively served by diversity of job assignment, training, and education. Special duty assignment clearly enhances that objective.

None of the aforementioned criteria and guidelines are intended to limit or restrict this department's ability or desire to assign personnel where and when appropriate to meet organizational needs. All of these assignments are considered lateral movement within the organization, and carry with them no expectation of liberty or property interests.

These guidelines will be followed for all future special assignments. The Department will track the terms and rotations of special assignments.

1026.3 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the City of Cypress Human Resources Department.

Employee Commendations

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the official recognition of Cypress Police Department personnel who perform his/her duties in an exemplary manner, perform acts of heroism, distinguished service, or incur serious injury or death during exposure to hazardous situations.

1028.2 WHO MAY MAKE COMMENDATIONS

It is the policy of the Cypress Police Department to officially recognize acts of exemplary performance by its members when such acts are deemed worthy of formal commendation. A written commendation may be recommended by any supervisor of the Department regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may recommend commendation of uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor for exemplary actions on the part of another employee. All recommendations for commendation shall be forwarded to the Chief of Police for consideration.

1028.3 COMMENDABLE ACTIONS

Supervisors may report to their immediate superiors any act, which they believe to be worthy of official recognition, performed by a member of the Department. This act can either be personally observed or brought to their attention by another.

- (a) **Awards Committee** The purpose of the awards committee is to act as an advisory body to the Chief of Police. The committee has the responsibility of examining and critiquing each award nomination, and making a recommendation to the Chief of Police.

1. **Membership** The Awards Committee will be comprised of at least five (5) voting members of the Police Department.

- A chairperson appointed by the Chief of Police.
- One sworn representative from the Administration Division.
- One civilian representative from the Administration Division.
- One sworn representative from the Operations Division.
- One civilian representative from the Operations Division.
- One sworn representative from the Investigations Division.

Whenever feasible, one member will be a POA board member.

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Employee Commendations

1. **Duties and Responsibilities** The chairperson will convene the committee upon the receipt of a recommendation for Medal of Valor, Distinguished Service Award, Purple Heart Medal, or at the conclusion of a completed investigation in which a commendation may be deemed appropriate whether or not a recommendation has been submitted. At the conclusion of the examination, the committee will report its findings and recommendation in writing to the Chief of Police. Any commendation not meeting the criteria for the below awards will be referred back to the Chief of Police or appropriate division commander for disposition. The findings of the committee will include one of the following categories:
 - Medal of Valor
 - Distinguished Service Award
 - Purple Heart Medal
 - Letter of Commendation

- (b) **Classification of Commendations** The classifications and their definitions are outlined below:
 1. **Medal of Valor:** Awarded to any employee, who while serving in an official capacity, distinguishes himself/herself in a conspicuously heroic action above and beyond the call of duty. The situation must have involved extreme danger to the employee, along with a strong possibility at the time the recipient acts that he/she could have suffered serious injury or death. The employee must not have used poor judgment or procedures, which created the necessity for his/her acts.
 2. **Gold Distinguished Service Award:** Awarded to any employee who distinguishes himself/herself through a display of bravery or heroism in circumstances, which are above and beyond the normal demands of duty and posed grave danger to the employee. The employee must not have used poor judgment or procedures, which created the necessity for his/her acts.
 3. **Silver Distinguished Service Award:** Awarded to the employee who distinguishes himself/herself through exceptional actions in rendering aid during a situation under circumstances that do not pose grave danger to the employee. Employees who exhibit meritorious service through exceptional service, actions or accomplishments.
 4. **Bronze Distinguished Service Award:** Awarded to the employee who distinguishes himself/herself through exceptional service in the performance of their duty under normal everyday circumstances, but goes above and beyond the normal scope of an assignment or job function.

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5. **Purple Heart:** May be awarded to an employee, who through no fault of his/her own, incurs serious injury or death during exposure to hazardous situations.
 6. **Letter of Commendation:** May be awarded to an employee who distinguishes himself/herself by performing assignments, tasks, duties, or other outstanding service to the Department. The employee's supervisor will direct a memorandum to the respective division commander outlining the circumstances of the employee's actions. The decision is then made whether a Certificate of Commendation is awarded or an entry onto the employee's Employee Comment Card is made. This does not require approval of the Awards Committee.
 7. **Community Service Award:** May be awarded to an individual outside of the Department who has accomplished something remarkable or who has acted or provided a service above and beyond normal expectations in support of the Police Department. This award shall be presented in the form of a glass, desktop display with a brief explanation of the award, and the name of the recipient etched on the front. It will be accompanied by a written explanation of the award.
- (c) **Action on Commendation** All medals will be awarded at a time and place as determined by the Chief of Police. Notification of the commendation will be forwarded to the employee with a copy placed within his/her personnel file. The Chief of Police or division commander shall award Letters of Commendation immediately.
- (d) **Action of Chief of Police** Final approval for the awarding of all medals shall be made by the Chief of Police.
- (e) **Display of Medals** Officers authorized to wear an award ribbon shall be encouraged to do so when in uniform. Refer to Policy Manual § 1046.4.2.
1. The Medal of Valor shall be of brushed bronze metal, and measure 1 inch in diameter with the California State Seal centered. The medal shall have a red, white and blue neck ribbon attached. Accompanying the medal shall be a uniform award ribbon made of yellow metal, and colored with French enamel to match the colors of the neck ribbon on the Medal of Valor. The uniform award ribbon shall measure 3/8 inches by 1 inch.
 2. The Gold Distinguished Service Award shall be of gold-toned metal and measure 1 inch in diameter with the California State Seal centered. The medal shall have a blue and white neck ribbon. Accompanying the medal shall be a uniform award ribbon made of gold-toned metal and colored with French enamel to match the colors of the neck ribbon on the Gold Distinguished Service Award. The uniform award ribbon shall measure 3/8 inches by 1 inch.
 3. The Silver Distinguished Service Award shall be of silver-toned metal and measure 1 inch in diameter with the California State Seal centered. The medal shall have a red and white neck ribbon. Accompanying the medal shall be

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a uniform award ribbon made of silver-toned metal and colored with French enamel to match the colors of the neck ribbon on the Silver Distinguished Service Award. The uniform award ribbon shall measure 3/8 inches by 1 inch.

4. The Bronze Distinguished Service Award shall be of bronze-toned metal and measure 1 inch in diameter with the California State Seal centered. The medal shall have a yellow and white neck ribbon. Accompanying the medal shall be a uniform award ribbon made of bronze-toned metal and colored with French enamel to match the colors of the neck ribbon on the Bronze Distinguished Service Award. The uniform award ribbon shall measure 3/8 inches by 1 inch.
5. The Purple Heart Medal shall be of gold-toned metal in the shape of a heart with the Cypress Police Department badge in the center. The medal shall have a purple and white neck ribbon attached. Accompanying the medal shall be a uniform award ribbon made of gold-toned metal and colored with French enamel to match the colors of the neck ribbon on the Purple Heart Medal. The uniform award ribbon shall measure 3/8 inches by 1 inch.

1028.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, bureau, and assignment at the date and time of the commendation.
- (b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate.
- (c) Signature of the commending supervisor.

Completed reports shall be forwarded to the appropriate division commander for his/her review. The division commander shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the secretary to the Chief of Police for entry into the employee's personnel file.

Fitness for Duty

1030.1 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).

1030.2 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.

1030.3 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 the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties, and the Chief of Police will be immediately notified.
- (e) The Chief of Police will decide if any employee is relieved from duty.
- (f) The Chief of Police, at his/her discretion, may assign the employee to Administrative Leave.

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Fitness for Duty

1. The Chief of Police or his/her designee may assign an employee to inactive duty pending completion of an investigation, the filing of administrative charges, or completion of a Fitness for Duty evaluation.
2. When it is contrary to the best interests of the City for an employee to continue his/her regular duties, the employee may be relieved from regular duty and assigned to inactive duty by the Chief of Police, or his/her designee.

1030.3.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, department identification, assigned weapon(s), keys, and other department equipment.
- (b) An employee placed on administrative leave may be ordered to refrain from taking any action as a department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) An employee under investigation may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.
- (d) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned their badges, identification card, and other equipment.

1030.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1030.5 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.

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- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1030.6 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 Office to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the 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.

1030.7 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.

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Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1030.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Lactation Break Policy

1031.1 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).

1031.2 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).

1031.3 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 WestComm 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.

1031.4 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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Lactation Break Policy

1031.5 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.

1031.5.1 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).

Meal Periods and Breaks

1032.1 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.

1032.1.1 MEAL PERIODS

Sworn employees shall remain on-duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers should request clearance from WestComm prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City or receiving prior approval from a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1032.1.2 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 area of the police facility for their breaks unless they have received prior approval from a supervisor. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and should monitor their radios.

Payroll Records

1032.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1032.1.1 TIME CARD REVIEW

When processing and approving payroll records, supervisors shall review I.S.E. to ensure that an employee's hours are accurately reflected on their time card.

1032.2 POLICY

The Cypress Police Department maintains timely and accurate payroll records.

1032.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1032.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Support Services as established by the City payroll procedures.

1032.5 RECORDS

The Support Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Payment Requests and Scheduling

1034.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1034.1.1 DEPARTMENT POLICY

Because of the nature of police work and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked. An employee may request compensatory time in lieu of receiving overtime payment. Accrual limits of compensatory time are established through the MOU.

1034.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable using the InTime Self Service Portal.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1034.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and enter them into the InTime Self Service Portal.

1034.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1034.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court). The supervisor will enter the actual time worked.

1034.3.1 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

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16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1034.3.2 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.

1034.3.3 UNSCHEDULED OVERTIME

All unscheduled overtime shall be captured on the employee's time card and will be approved by the employee's supervisor at the time the overtime is worked. The time cards will be submitted to the office specialist in the Administration Division. The employee is responsible for submitting unscheduled overtime into the InTime scheduling system.

The ISE system will be utilized to track department-wide overtime expenditures. At the end of each pay cycle, the Sergeant responsible for scheduling will create an overtime expenditure report that will document the number of hours expended and the reasons for overtime use. The report will be forwarded to appropriate supervisors and managers to be used as a budget oversight and management tool.

It is the responsibility of every supervisor and manager within the Cypress Police Department to manage the overtime in their respective unit, bureau, or division.

1034.4 SCHEDULING

Pursuant to the existing memorandum of understanding (MOU) between the Cypress Police Officers' Association and the City of Cypress (Article XXVII - City Rights), the City reserves the right to assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments.

The Department will assign a scheduling coordinator who will make every attempt to provide the least impact on personnel when scheduling adjustments are made.

Any changes in work schedule will be entered into the ISE system for purposes of accountability and tracking

Outside Employment

1036.1 PURPOSE AND SCOPE

This policy is established to avoid any actual or perceived conflicts of interest with an employee's outside employment, or outside employment that may bring the Department into disrepute. Additional concerns with an employee's outside employment may include a decline in the employee's efficiency or usefulness to the good order and standing of the Police Department. As such, any Department employee engaging in outside employment shall obtain written approval from the Chief of Police in accordance with the provisions of this policy.

It is the policy of the Cypress Police Department that employees shall conduct themselves at all times in a manner that reflects favorably on the Department. Permission for outside employment shall be granted only to those employees who meet or exceed performance standards and receive satisfactory employee appraisal reports.

1036.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested first through Community Development or the Police Department by the outside entity or requesting organization. Upon review and approval through the City or Chief of Police or his/her designee, the overtime will be scheduled directly through this department so that the department may be reimbursed for the cost of wages and benefits.

1036.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without obtaining prior written approval of the Chief of Police. Failure to obtain written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action. In order to obtain approval for outside employment, the employee must complete an Outside Employment Application (City of Cypress, form P-16) which shall be submitted to the employee's immediate supervisor. Within the form, the employee must specify whether or not they will be wearing a uniform within the course and scope of their outside employment. The application will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. All permits expire December 31st. Any employee seeking

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to renew a permit shall submit a new Outside Employment Application form in a timely manner. Whether the application is approved or disapproved, a copy will be forwarded to the Chief of Police.

If approval of the application is granted, the original application will be forwarded to City Human Resources for their files, a copy will be maintained in the employee's Personnel File, and a copy will be provided to the requesting employee. The respective division commander and the Chief of Police may stipulate any reasonable condition they feel necessary for the control of the employee's outside employment practices.

Any employee seeking approval for 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)).

1036.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1036.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1036.2.3 CONDITIONS FOR OUTSIDE EMPLOYMENT

Any member of the Department requesting approval for outside employment understands and agrees that the City of Cypress shall not be responsible for any actions taken by an employee while engaged in outside employment. The requesting member further agrees to hold the City, its

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officers, agents, representatives, and employees harmless from and against any and all actions that may be brought by virtue of the employee performing off-duty work.

Whenever an application for outside employment is approved, it shall be subject to the following conditions:

- (a) Employees shall not identify themselves as Cypress Police Department officers/employees in connection with their duties.
- (b) The uniform or any part of the uniform of the Cypress Police Department shall not be used unless there has been prior approval by the Chief of Police (if applicable).
- (c) Any on-duty officer responding to a call for police assistance will be in command and control of the call and represent the Police Department's interests in the case.
- (d) The outside employment shall not conflict with the employee's on-duty hours, special assignments, or court appearances.
- (e) The City shall not compensate the employee for any court appearance required by their outside employment.
- (f) Any appearances for court as a result of an arrest made while so employed will not be charged to the City of Cypress (if applicable).
- (g) An employee shall not perform outside work, which is of such a nature that the public may reasonably construe it to be an official act of the Cypress Police Department.
- (h) The outside work shall not involve the use of City time, facilities, equipment or supplies of any kind.
- (i) An employee performing outside work shall not divulge or use official information not available to the public.
- (j) An employee's secondary employment shall not be of such a nature that it could bring discredit to the City of Cypress or the law enforcement profession.
- (k) 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.
- (l) An employee shall not perform outside work, which might encourage members of the general public to have a reasonable belief that a conflict of interest exists. Secondary or additional employment, which consists of any of the following, are deemed to constitute a conflict of interest and are prohibited:
 - 1. Requires the exercise of police authority or can be reasonably expected to require the use of police authority to complete assigned tasks.
 - 2. Is on or about any "on-sale" or "off-sale" liquor establishment of which a substantial part of the business is the sale and/or service of alcoholic beverages.

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3. Is on or about any commercial or public premises wherein a private party or event is taking place, which involves the sale and/or service of alcoholic beverages.
4. Requires the service of civil process, collections of bad debts, or repossessions.
5. Involves the administration or performance of legal services for criminal cases within the City of Cypress or any other criminal case involving Police Department and/or its employees are an involved party.
6. Involves the administration or performance of security services, security guard or bodyguard services or investigative services within the City of Cypress unless approved by the Chief of Police. Any request to perform security services, security guard or bodyguard services or investigative services, either inside or outside of the City of Cypress requires that the officer comply with Policy Manual § 1040.3.1.
7. Employment by any other municipality or political subdivision of the State, except by express permission of the Chief of Police.
8. Requires affiliation, membership, or allegiance which would tend to interfere with the proper discharge of one's duties as an employee of the Department, or with their loyalty to the Department or the public trust.

The Chief of Police may make exceptions to the above conditions of secondary employment if extenuating circumstances exist and there is no statute prohibiting a member of the Department from engaging in such employment.

1036.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

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- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

1036.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

The Business and Professions Code requires active duty peace officers who work armed as security guards or as armed contract private investigators to possess a Guard Registration or Private Investigator license in addition to an Exposed Firearm Permit issued by the Department of Consumer Affairs/Bureau of Security and Investigative Services. If the peace officer is contracting directly with a consumer or individual, they must possess a Private Patrol Operator's license.

An employee requesting work as a security guard or contract private investigator must supply both the required registration/license and exposed firearm permit number when completing the Outside Employment Application form.

Approval of any outside employment in a security capacity is contingent upon the prospective outside employer providing the Chief of Police with written verification of insurance, bonding and copies of all required and applicable business license and permits. Failure to provide the required documentation shall result in the denial of the requested work permit.

Department employees interested in working off-duty in the security industry are greatly encouraged to visit the Bureau of Security and Investigative Services website for further information and current laws.

1036.3.2 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.

1036.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Support Services Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1036.4 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.

Limited and reasonable exceptions to the above exist and may include accessing email relative to outside employment while on-duty or viewing publically accessible websites.

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This section does not apply to department-issued equipment (e.g., items contained on a duty belt) used in an academy or training setting. Any damage or loss of property or equipment shall be reported consistent with the Department-Owned and Personal Property Policy.

1036.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; 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 the off-duty work permit. If, after approving a request for an outside employment position, 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 off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1036.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1036.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Any employee who is on sick leave, administrative leave due to injury-on-duty status, or whose work schedule is restricted for medical or psychological reasons, shall not engage in outside employment that is incompatible with that injury or illness or interferes with the employee's convalescence, and all previously approved applications for outside employment, which are incompatible with the injury or illness or interferes with the employee's convalescence, will be suspended for the period of that leave or restricted schedule.

Department members engaged in outside employment who are placed on disability leave or modified/light duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

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In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permits will be forwarded to the involved employee and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employees failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Cypress Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1038.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1038.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1038.2 POLICY

The Cypress 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.).

1038.3 RESPONSIBILITIES

1038.3.1 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms. Updated copies of forms with instructions for completion provided by Human Resources are kept in the Watch Commander's office or in the Watch Commander file on any network computer. Within 24 hours, the supervisor shall provide the injured employee with a Workers' Compensation packet, to include the following forms:

- (a) Workers' Compensation Form Receipt Verification
- (b) City of Cypress Employee Injury Report
- (c) Facts for Injured Workers Pamphlet
- (d) Workers' Compensation Claim Form (DWC-1)
- (e) City of Cypress Voluntary Consent Form
- (f) Employer's Report of Occupational Injury or Illness (Form 5020)

For work-related accidents, injuries or illness not requiring professional medical care, a City of Cypress Employee Injury Report form (P-25) shall be completed. All copies of the completed form shall be forwarded to the supervisor's division commander through the chain of command.

When an accident, injury, or illness is reported initially on the Employee Injury Report form and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

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Every injured employee must be provided with a Workers' Compensation packet within 24 hours, regardless of the nature of illness or injury. The Watch Commander or Administration Division Commander should send a copy to Human Resources on the date of the incident. The original reports will be forwarded to Human Resources upon completion.

Copies of any reports documenting the accident or injury should be forwarded to the division commander as soon as they are completed.

1038.3.2 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1038.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Support Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1038.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources Office. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1038.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form with a memorandum explaining the incident shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Support Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

The involved incident should be documented in a memorandum and submitted, along with the Employee Injury Report form, to the division commander in a timely manner.

1038.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

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The supervisor shall notify the respective division commander of the incident as soon as practical.

1038.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected. These proceedings will be coordinated with the City's Worker's Compensation Third Party Administrator and City Attorney.

Response to Death of a Department Member

1039.1 PURPOSE

It is the purpose of this policy to ensure that every member of the Cypress Police Department, both active and retired, who passes away, will have the option of a police funeral and assistance. These guidelines will ensure proper support and care of a family and the posthumous honoring of a member of the Cypress Police Department.

1039.2 PROCEDURE

When it is learned that one of our active or retired members has passed away, it will be the responsibility of the Honor Guard Commanding Officer to make assignments and coordinate actions with the Chief of Police and the Command Staff of this department.

The Honor Guard Commanding Officer, along with the Chief of Police, will determine the highest reasonable level of participation the Cypress Police Department can provide. Detailed information on funeral procedures is referenced in the Department's Line of Duty Death Manual.

1039.3 CIRCUMSTANCES TO DETERMINE THE APPROPRIATE LEVEL OF PARTICIPATION

- (a) Line-of-Duty-Death: A Line-of-Duty Death is to be considered for a police employee (Sworn, civilian, or reserve) of the Cypress Police Department who dies as a direct and proximate result of personal injury sustained in the line-of-duty. The circumstances surrounding the death of the peace officer must be such that the peace officer died "In the Line-of-Duty" as a direct result of:
 - 1. Injuries inflicted upon him/her by another;
 - 2. Injuries received as a result of coming to the aid and assistance of a fellow officer or civilian;
 - 3. Injuries as a result of a sudden and traumatic injury of whatever nature, or;
 - 4. Injuries as a result of exposure to hazardous materials.
- (b) On-Duty Death: An On-Duty Death pertains to a police officer or civilian employee of the Cypress Police Department who dies while on-duty, but not due to injuries sustained while performing emergency activities. This may include a police officer or civilian employee whose death is as a direct result of medical treatment or complications arising from a previous on-duty injury. This may also include a death as a result of a medical condition (i.e., heart attack).
- (c) Current Employee Off-Duty: An active member off-duty death is the death of an active police officer or civilian employee, occurring while the employee is off-duty, and the death is not related to any police-related activity.

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- (d) Retired Employee: A Retired Employee death applies to the death of a retiree or civilian retiree of the Cypress Police Department. It may also include a dignitary closely associated with the Department, as designated by the Chief of Police, and to whom the Department wishes to bestow funeral honors.

1039.4 LEVELS OF DEPARTMENT PARTICIPATION

Complete implementation of this policy is predicated on the wishes of the affected employee's family.

- (a) Line-of-Duty Death funeral honors may include On-Duty Death criteria and any of the following.
1. Casket Watch;
 2. Death and funeral notice managed by the Department's Press Information Officer and posting on "Concerns of Police Survivors" (COP) home page;
 3. Motorcade from service to cemetery;
 4. Missing man formation flyover.
- (b) On-Duty Death funeral honors may include Current Employee Off-Duty criteria and any of the following.
1. Flag folding;
 2. Taps;
 3. Rifle volley;
 4. Department photo and Uniform display;
 5. Bag Pipe player.
- (c) Current Employee off-duty funeral honors may include Retired Employee criteria and any of the following.
1. Casket draped with United States of America Flag;
 2. Honor Guard as Pallbearers;
 3. Administration and Logistic support;
 4. Flag flown at half-staff until burial.
- (d) Retired Employee funeral honors may include (with the approval of the Chief of Police):
1. Wearing of the mourning band for the death of a retired sworn Cypress Police Department officer may be worn for the twenty-four hour period on the day of the funeral;
 2. Honor Guard (per request of family);

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3. Uniformed personnel;
4. Flag being raised and lowered over City Hall or Police Department;
5. Flag presentation to family member by Honor Guard.

1039.5 WEARING THE DEPARTMENT MOURNING BAND

It is the philosophy of this department to pay tribute to fellow police employees killed in the line-of-duty, regardless of agency affiliation, by placement of a black mourning band affixed across the badge of every uniformed Department employee. The mourning band shall also be worn to honor a current or retired employee from this agency who has died.

The mourning band shall be worn by each uniformed employee from notification of the Department member's death by the Chief of Police (or his/her designee) to internment. The only mourning band permitted for display is the black mourning band available from the Personnel and Training Unit.

Personal Appearance Standards

1040.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1040.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1040.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1040.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches for uniformed personnel shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. Only personnel assigned to an undercover task force or other undercover assignments are authorized to wear a mustache.

1040.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1040.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

1040.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1040.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

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- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1040.3 TATTOOS

While on-duty or representing the Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1040.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

Uniform Regulations

1042.1 PURPOSE AND SCOPE

The uniform policy of the Cypress Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Cypress Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1042.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Peace officers are considered the most visible representative of government. Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Personnel are required at all times to conduct themselves with the dignity and decorum which the people of the City expect of those who serve them.
- (b) All uniforms and equipment shall be maintained in a clean, serviceable condition and shall be ready at all times for immediate use. When uniforms display unsightly wear, they shall be replaced. Leather equipment shall be kept dyed, shined, and shall be replaced when it is cracked, checked, or worn out. Nylon gear shall be kept clean and shall be replaced when signs of excessive fading or wear are evident.
- (c) All sworn members of this department shall possess at all times at the police facility a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (d) Personnel shall wear only the uniform specified for their rank and assignment.
- (e) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications as set forth in this Policy Manual.
- (f) All supervisors will perform periodic inspections of their personnel to ensure conformance with these regulations.

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- (g) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (h) 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, or as authorized by a division commander.
- (i) 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.
- (j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (k) Personnel should take care that the apparel worn by them as authorized by this department fits properly, is neat, properly pressed and clean.
- (l) All articles of apparel and accouterments worn by Police Department employees shall conform to department regulations and shall be worn in accordance with this policy.
- (m) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.
 - 1. Wrist watch.
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical-alert bracelet.
 - 4. Also refer to the Personal Appearance Standards Policy.

1042.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1042.3 UNIFORM CLASSES

1042.3.1 CLASS A UNIFORM

- (a) Class A attire includes a long sleeve uniform shirt, tie with tie bar, long uniform pants, white or black T-shirt, black socks and shined black leather shoes (no athletic shoes).

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Sworn officers shall also wear their leather Sam/Sally Browne duty belt. Class A uniform is to be worn at specifically designated special functions or events where a formal uniform is appropriate (e.g., funerals, graduations) or upon the direction of the Chief of Police or his/her designee.

1. Alternative uniforms manufactured by Blauer and 5.11 as defined in this policy are not authorized for Class A uniform.
- (b) Soft covers may be worn with Class A uniforms for events of a ceremonious nature.
 1. In these instances, sworn officers normally do not wear a baton.
- (c) Command staff may wear their Eisenhower jacket when in Class A uniform.
- (d) All sworn personnel shall have a serviceable Class A uniform available at all times.
- (e) A protective body armor vest is not required to be worn when wearing a Class A uniform to special events.
- (f) Boots with pointed toes are not authorized while wearing a Class A uniform.
- (g) Holsters with leg straps are not authorized while wearing a Class A uniform at a ceremonial event.
 1. Canine Officers attending a ceremonial event while on-duty and in the field may wear a Class A uniform and a holster with leg straps.

1042.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times. The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white or black crew neck T-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned, except for the last button at the neck. Long sleeve uniform shirts with the sleeves rolled up are not authorized.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform. Approved all-black uniform shoes may be worn; however, boots with pointed toes are not permitted.
- (e) All officers, supervisors and civilian uniformed personnel may wear a black "Dickie" style 100% acrylic or 100% pressed wool turtleneck. This is not to be worn; however, when in Class A uniform.

Division commanders shall ensure that all personnel assigned to their division are attired in accordance with the provisions of this order and have serviceable Class A and Class B uniforms immediately available to them.

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1042.3.3 UNIFORM SPECIFICATIONS

Uniforms will consist of the following:

(a) (a) Uniformed Personnel

(a) Badge

- (a) Issued by the Department for official use only.
- (b) Issued badge or cloth badge patch will be in plain view at all times and worn on the shirt, jacket, raincoat or other official Department uniform.
 - (a) Exceptions:
 - (a) When a supervisor approves otherwise for purpose of special enforcement assignment.
 - (b) Where a cloth badge patch is worn on a Department jacket or raincoat. Cloth badge patches are authorized for use on Department-approved jackets, SWAT uniforms, raincoats or when deemed appropriate by the division commander.
 - (c) Officers - silver with gold ribbons with rank and identification number.
 - (d) Probationary Officers - silver with gold ribbons with rank and scroll
 - (e) Sergeants - silver with gold ribbons with chevron.
 - (f) Commanders - silver with gold ribbons with double stars.
 - (g) Chief - silver with gold ribbons with quadruple stars.

(b) Name Plate

- (a) Issued by the Department for official use only. It will be silver with blue lettering.
- (b) When wearing a removable name plate, it shall be in plain view at all times and worn centered above the right shirt pocket with no gap or space between the name plate and pocket seam.
- (c) A cloth name tag may be worn on BDUs and on jackets, centered above the right jacket pocket.
- (d) The first initial and last name will be engraved in blue in the silver nameplate or embroidered in silver on a black name cloth.

(c) Headwear

- (a) Helmets are to be worn at emergency situations requiring protective devices (e.g., riots); at the discretion of the officer or under the direction of a supervisor when in his/her judgment, the circumstances justify additional protections, but not under routine field circumstances (e.g., traffic stops, pedestrian checks).

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- (b) Soft covers may be worn when wearing Class A attire, at the direction of the Chief of Police or his/her designee.
 - (a) Command staff (commanders and above) will wear the navy Lancaster soft cover with the appropriate rank designation on the bill. The soft cover band will be gold-colored fabric.
 - (b) Sergeants and all other sworn officers will wear the navy Lancaster soft cover with a plain, black bill. The soft cover band will be black vinyl for officers and gold-colored metal for Officer in Charges
- (c) The department-approved black baseball caps (Flex-fit/Pro-fit style) with "Cypress Police" embroidered on the front may be worn in inclement weather, or at the discretion of the division commander. Any other headwear worn is at the discretion of the Watch Commander.
 - (a) Baseball caps are not intended for daily uniform use.
 - (b) Inclement weather includes rainy days and excessively hot days.
 - (c) Baseball caps may also be worn during extended periods of direct exposure to the sun (e.g., directing traffic for prolonged periods, outdoor special events).
- (d) Uniform shirt
 - 1. Uniform shirts will have epaulets, sewn in or permanent press "military press" creases, and a badge tab on the left side of chest.
 - 2. The Cypress Police patch will be sewn to each sleeve at the shoulder.
 - 3. Class A uniform shirt will be wool or polyester material, navy, standard long sleeve police uniform shirt.
 - 4. Class B uniform shirt will be wool or polyester material, navy, standard short sleeve police uniform shirt.
 - (a) An alternative Class B uniform shirt manufactured by Blauer or 5.11 listed below is also authorized.
 - (b) The Blauer Streetgear Class Act #8910, Poly/Rayon, Dark Navy short sleeve shirt is authorized and should be worn with the Blauer Streetgear #8980, Poly/Rayon, Dark Navy, side pocket trouser.
 - (c) The 5.11 #41133/41138, Poly/Wool/Lycra, Midnight Navy, Class B short sleeve shirt is also authorized and should be worn with the 5.11 #44060/44061, Poly/Wool, Midnight Navy, Class B uniform pant (with or without cargo pockets).

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- (d) The 5.11 #41132 Poly/Rayon, Midnight Navy, Class B uniform is not authorized for sworn personnel due to fading.
- 5. BDU uniforms are authorized during rainy days only for uniformed personnel. SWAT and canine officers are authorized to wear BDUs only when working in those respective capacities. Motor Officers are authorized to wear BDUs during training and rainy days only.
- (e) Uniform pants
 - (a) Class A uniform pants will be wool or polyester material, navy, standard police uniform pant.
 - (b) Class B uniform pants will be wool or polyester material, navy, standard police uniform pant.
 - (a) An alternative Class B uniform trouser manufactured by Blauer or 5.11 listed below is also authorized.
 - (b) The Blauer Streetgear #8980, Poly/Rayon, Dark Navy, side pocket trouser is authorized and should be worn with the Blauer Streetgear Class Act #8910, Poly/Rayon, Dark Navy short sleeve shirt.
 - (c) The 5.11 #44060/44061, Poly/Wool, Midnight Navy, Class B uniform pant (with or without cargo pockets) is also authorized and should be worn with the 5.11 #41133, Poly/Wool/Lycra, Midnight Navy, Class B short sleeve uniform shirt.
 - (d) The 5.11 #44058T/44059T Poly/Rayon, Midnight Navy, Class B uniform is not authorized due to fading.
 - (c) BDU uniforms are authorized during rainy days only for uniformed personnel. SWAT and canine officers are authorized to wear BDUs only while working in those respective capacities. Motor Officers are authorized to wear BDUs during training only.
- (f) Summer Uniforms :
 - 1. All uniformed field personnel may wear the following summer attire from Memorial Day through October 1, and/or at the discretion of the division commander. The uniform should include:
 - (a) Departmentally-approved short sleeve, Class B uniform shirt.
 - (b) Elbeco Tactical Twill Dark Navy or Green Cargo Short (E714) or Blauer Streetgear Dark Navy or OD Green Cargo Short (8841-1X).
 - (c) White or black crew neck T-shirt.
 - (d) White crew length socks.
 - (e) Plain black soft leather athletic type shoes.
 - (f) With authorized safety equipment.

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- (g) Tie and Tie Bar
 - (a) Tie and tie bar are to be worn with Class A attire.
 - (b) Tie - black in color, "break-away" type.
 - (c) Tie bar shall be polished and silver in color.
 - (d) Tie bar shall be parallel with the buttons on the shirt pockets.
- (h) Jacket
 - (a) Black police-style jacket is authorized.
 - (b) Cloth badge patch may be sewn on above left pocket area.
 - (c) Cloth name tag may be sewn on above the right pocket area.
 - (d) Removable, reflectorized markings sold with some police-style jackets are also authorized.
- (i) Socks
 - (a) Shall be black or white in color.
 - (b) White crew socks shall be worn with the summer uniform.
- (j) Shoes
 - (a) Shall be leather, black in color, plain-toed, Oxford style uniform laced shoes with no designs or engravings.
 - (b) Must be worn in glossed or shined manner.
 - (a) Exceptions for motor officers and anine officers.
 - (c) A plain, black, leather athletic type shoe may be worn with any other uniform, except Class A.
- (k) Boots
 - 1. Black leather or leather/synthetic combination boots may be worn if plain toed and maintained in a glossed or shined manner.
 - 2. If an officer chooses to wear a high top boot, the trouser cuff hem will be low enough to cover the top portion of the boot. The top portion of the boot may contain man-made materials such as Cordura (nylon webbing) as long as the cuff covers the top portion of the boot when the officer is in the standing position.
 - 3. Boots must be black with a plain toe (steel toe boots are not authorized).
 - 4. Boots with pointed toes are not permitted.
 - 5. Motor officers shall wear appropriate safety boots while operating a police motorcycle.
 - 6. Canine officers shall wear appropriate boots at the discretion of the division commander.

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(l) Belts

1. The trouser belt shall be black basket weave leather, approximately 2 inches in width with a silver buckle or black leather approximately 1 inches in width with "Velcro" or similar fastener. Uniformed employees may also wear an approximately 2 inches in width black reinforced nylon trouser belt with "Velcro" fastener.
2. The Sam Browne belt shall be black basket weave leather, approximately 2 inches in width with a silver buckle. A black buckle or "Velcro" closure is optional.
 - (a) The equivalent Sally Browne belt with an approximate 1 inches width may also be worn for uniformed female field personnel.
3. Uniformed employees may also wear the black Bianchi Accumold or Bianchi Accumold Elite reinforced nylon gear equipment belt provided all equipment pouches are of the same nylon material. Employees electing to wear Bianchi Accumold or Bianchi Accumold Elite reinforced nylon gear will be responsible for purchasing the equipment belt and pouches at their own expense. Nylon gear is not authorized for Class A attire.

(m) Keepers

- (a) The material make-up of the keepers must match that of the Sam/Sally Browne (e.g., only leather keepers on a leather Sam/Sally Browne, only nylon keepers on a nylon Sam/Sally Browne).
- (b) The color of the snaps on the keepers may be either black or silver, or be concealed in the keeper and should be consistent on all other accessories.

(n) Sidearm and Holster

- (a) The Heckler & Koch HK 45 is the Department-issued sidearm.
- (b) Officers may elect to carry a personally-owned firearm, as described in the Firearms Policy.

The Department-issued holster is a Safariland, mid-ride, Level II retention holster, Model # 6360-91-481. Safariland holster model 6365, 6280 and 6285 are also authorized.
- (c) Officers may elect to carry a different holster, provided it contains a secondary retention mechanism and is a mid-ride or low-ride holster. Officers shall purchase alternate holsters at their own expense.
- (d) No drop-down thigh holsters are allowed for uniform personnel.
 - (a) Exceptions include SWAT personnel and canine officers.
- (e) "Clam shell" holsters are not authorized.
- (f) Refer to the Firearms Policy.

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(o) Ammunition Pouches

1. Department-issued ammunition pouches shall be black leather basket weave.
2. Officers electing to carry a personally-owned firearm are responsible for providing the ammunition pouch.
3. Officers electing to carry black reinforced nylon equipment belts shall use the Bianchi Accumold or Bianchi Accumold Elite ammunition pouch that corresponds to their respective sidearm.
4. Snaps may be silver or black in color, or concealed in the gear.

(p) Knife

1. Knives shall be a folding type, not to exceed a blade length of 4 inches, have a single cutting edge, and be carried in a basket weave sheath if visible on the Sam/Sally Browne.
2. Officers electing to wear Bianchi Accumold or Bianchi Accumold Elite nylon gear shall be responsible for purchasing the nylon knife holder if wearing the knife on the nylon gear.
3. Snaps may be silver or black in color, or concealed in the gear.
4. If the knife is carried on the pants pocket, all exposed/visible parts must be black in color.
5. Carrying of a knife in uniform is optional.

(q) TASER and TASER Holster

1. TASERS and their holsters will be issued by the Department.
2. TASERS shall be worn on the side opposite of the duty weapon on the officer's Sam/Sally Browne belt.
 - (a) Exception: Due to the fact PSOs do not carry a weapon, the TASER may be worn on the PSO's strong side.
3. Refer to the TASER Device Policy.

(r) Baton and Baton Holder

- (a) The Department-issued baton is the 26 inch Armament Systems and Procedures Inc. (ASP) expandable baton. The ASP and leather or plastic basket weave ASP holder will be provided by the Department.
- (b) Sworn personnel are also authorized to carry a 26 inch wooden straight-stick baton that is either black or natural wood colored in lieu of the ASP baton.
- (c) Officers electing to wear Bianchi Accumold or Bianchi Accumold Elite nylon gear shall be responsible for purchasing the nylon ASP holder or baton ring.

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- (d) The 16 inch ASP expandable baton may be carried by plainclothes personnel with the prior approval of the Chief of Police or his/her designee.
- (e) Monadnock batons and/or other batons are not authorized.
- (f) Refer to the Control Devices Policy.
- (s) Flashlight
 - (a) Officers are responsible for purchasing their own flashlight and flashlight holder.
 - (b) Flashlights with built-in electrical control devices are not authorized.
- (t) Oleoresin Capsicum (OC) and OC Holder
 - (a) The Department will supply the OC and leather basket weave OC holder.
 - (b) Officers electing to wear Bianchi Accumold or Bianchi Accumold Elite nylon gear shall be responsible for purchasing the nylon OC holder.
 - (c) Snaps may be silver or black in color, or concealed in the gear.
 - (d) Refer to the Control Devices Policy.
- (u) Radio Holder
 - (a) The Department will issue the Motorola police radio, lapel microphone, two batteries and a leather basket weave holder.
 - (b) Officers electing to wear Bianchi Accumold or Bianchi Accumold Elite nylon gear shall be responsible for purchasing the nylon radio holder.
 - (c) Radio accessories, such as the remote earpiece and transmit button, will be purchased at the officer's own expense.
- (v) Handcuffs and Handcuff case.
 - (a) The Department will issue one pair of handcuffs and a leather basket weave handcuff case.
 - (b) Officers electing to wear Bianchi Accumold or Bianchi Accumold Elite nylon gear shall be responsible for purchasing the nylon handcuff case.
 - (c) Handcuff case will be of a design that no part of the handcuffs are visible.
 - (d) Snaps may be silver or black in color, or concealed in the gear.
 - (e) Refer to the Handcuffing and Restraints Policy.
- (w) Required Keys and Holder

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- (a) The Department will issue required keys with a black leather basket weave key holder.
- (b) Officers electing to wear Bianchi Accumold or Bianchi Accumold Elite nylon gear shall be responsible for purchasing the nylon key holder.
- (c) Snaps may be silver or black in color, or concealed in the gear.
- (x) **Gloves**
 - (a) Plain black leather, nylon, or synthetic material for winter wear.
 - (b) Sap gloves are not authorized.
- (y) **Whistle and Chain**
 - (a) A whistle is optional as to wearing.
 - (b) If worn, personnel may wear a silver whistle chain.
 - (c) The whistle may be carried inside a pocket or attached to a key ring worn on the Sam Browne belt.
 - (d) Uniformed personnel shall have immediate access to a whistle at all times while on-duty in uniform.
- (z) **Jewelry**
 - (a) No items of personal adornment shall be worn, which could create a hazardous condition due to size or location worn.
 - (b) While in uniform, officers will not wear earrings, ear studs, ear cuffs, nose rings, nose studs, eyebrow rings, eyebrow studs, tongue studs, or necklaces when the necklace is visible above the shirt collar.
 - (c) Any other jewelry worn must be conservative, in good taste and receive the prior approval from the respective division commander or Chief of Police.
- (aa) **Rain Gear**
 - (a) Yellow or black rain gear, with or without a hood, is permitted.
 - (b) Rain gear shall have sidearm access for sworn personnel.
 - (c) During inclement weather, over-boots or black rubber boots are permitted.
 - (d) A badge or cloth badge patch may be displayed on the left front area of the rain jacket.
- (ab) **Sunglasses**
 - (a) Sunglasses should be professional in appearance and complimentary to the uniform.
 - (b) Brightly colored frames or mirrored lenses are not authorized.

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(ac) External Armor Carrier (EAC)

1. The Safariland Oregon City External Armor Carrier is authorized to be purchased and maintained at the individual officer's expense.
2. The EAC will be black in color. All pouches on the vest will be black with a maximum of six pouches.
 - (a) The interior of the vest may be altered to contain a patch or insignia indicating the officer's blood type and other pertinent medical information.
3. Badge
 - (a) The Department-issued metal badge will be in plain view at all times and worn centered on the left breast while used in patrol.
4. Name Tag
 - (a) A black cloth name tag, with silver embroidered lettering, will be in plain view at all times and worn centered on the left breast while used in patrol.
 - (b) The Department will provide the name tag for officers to ensure consistent appearance.
 - (c) One additional tag, black cloth with silver embroidered lettering, may be worn centered on the left breast above the name tag. The additional tag will be the same font and color as the name tag.
5. Additional Equipment
 - (a) All other authorized equipment will be distributed between the waist belt or EAC based upon the preferences of the officer.
 - (b) The following equipment may be removed from the waist belt and placed in pouches on the EAC:
 - (a) Handgun magazines
 - (b) TASER
 - (c) Police radio
 - (d) OC Spray
 - (e) Collapsible baton
 - (f) Handcuffs
 - (g) Utility pouch
 - (h) Digital Audio Recorder (DAR)
 - (i) Mobile Audio Video (MAV) Transponder
 - (c) AR-15/Rifle magazine pouches and/or shotgun shell carriers are not authorized to be worn on the EAC.

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6. Undershirts
 - (a) Officers may choose to purchase at their own expense the 5.11 Taclite PDU Rapid Shirt - Long Sleeve (Style #72093) or 5.11 Taclite PDU Rapid Shirt - Short Sleeve (Style#71046) to wear in conjunction with the wearing of the EAC.
 - (b) The undershirt will be midnight navy (Color Code #750).
 - (c) Underhirts will have Cypress Police Department patches affixed to each sleeve in accordance with Department Policy 1044.3.3.a.4.2.
- (b) Motorcycle officers are authorized to wear the department-approved motorcycle breeches with the silver-colored braid along the outer seam of the breeches. Black leather motorcycle boots, and black leather jacket will also be provided by the Department. The "Dickie" style 100% acrylic or 100% pressed wool turtleneck, black in color, is also authorized.
 - (a) During training days, motorcycle officers may wear the department-approved, two-piece BDU uniform. The BDU uniform shall be black in color, display the Department patches on each sleeve, and have a cloth badge patch and cloth name tag affixed to the front of the uniform shirt as described in this policy.
- (c) Canine officers are authorized to wear the department-approved, two-piece BDU uniform. The BDU uniform shall be black in color, display the Department patches on each sleeve, and have a cloth badge patch and cloth name tag affixed to the front of the uniform shirt as described in this policy.
 - (a) Due to the job functions of the position, canine officers are authorized to wear a drop-down thigh holster.
- (d) SWAT officers may wear the department-approved SWAT basic black or green BDU uniform during SWAT training or callouts. The SWAT BDU uniform shall be black or green in color, display the West County SWAT patches on each sleeve, and have a cloth badge patch and cloth name tag affixed above the right rear pants pocket.
 - (a) Due to the job functions of the position, SWAT officers are authorized to wear a drop-down thigh holster.
- (e) Records Clerks shall wear navy blue uniform pants, and a navy blue short sleeve uniform shirt with Cypress Police Department shoulder patches on each sleeve and a "Records" tab patch below the Department patch.
 - (a) Records clerks may wear navy blue, 100% acrylic, long sleeve, front 5-button uniform sweater with two sash pockets.
 - (b) Class A uniforms include navy blue uniform pants and a navy blue long sleeve uniform shirt with Cypress Police Department shoulder patches on each sleeve and a "Records" tab patch below the Department Patch.

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- (f) Police Services Officers shall wear the prescribed green uniform pants and green uniform shirt with Cypress Police Department shoulder patches on each sleeve and a "Police Services Officer" tab patch below the Department patch.
 - (g) PSOs may also wear the alternative Class B uniform shirt and trouser manufactured by Blauer or 5.11.
 - (a) The Blauer Streetgear Class Act #8713X, Poly/Rayon, OD Green short sleeve shirt is authorized and should be worn with the Blauer Streetgear #8810X, Poly/Rayon, OD Green, side pocket trouser.
 - (b) The 5.11 #41132, Poly/Rayon, Forest Green, Class B short sleeve shirt is also authorized and should be worn with the 5.11 #44058T/44059T, Poly/Rayon, Forest Green, Class B uniform pant (with or without cargo pockets).
 - (h) Class A uniforms include the prescribed green uniform pants and green long sleeve uniform shirt with Cypress Police Department shoulder patches on each sleeve and a "Police Service Officer" tab patch below the Department patch.
 - (a) Alternative uniforms manufactured by Blauer and 5.11 as defined in this policy are not authorized for Class A uniform.
 - (i) PSOs assigned to daytime field duties may wear green shorts as described in the summer uniform section of this policy. PSOs assigned to station duties shall not wear uniform shorts.
 - (j) PSOs may wear the following items on their Sam/Sally Browne belt:
 - (a) Radio and Radio Holder
 - (b) Keys and Key Holder
 - (c) Taser and Taser Holster
 - (d) OC and OC Holder
 - (e) Handcuffs and Handcuff Case
 - (f) Jail Alarm
 - (g) Flashlight and Flashlight Holder
 - (k) PSOs who elect to carry Bianchi Accumold or Bianchi Accumold Elite nylon gear shall do so at their own expense.
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- (a) Police Aides assigned to uniformed duties will wear navy blue uniform pants with the light blue uniform shirt and Cypress Police Department shoulder patches on each sleeve and a "Police Aide" tab patch below the Department patch.
 - 1. Police Aides may also wear the alternative Class B uniform shirt and trouser manufactured by Blauer or 5.11.
 - (a) The 5.11 #41132 medium blue, Poly/Rayon/Lycra, short sleeve Class B uniform shirt is authorized and should be worn with the 5.11

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#44060/44061, Poly/Rayon, Midnight Navy, Class B uniform pant (with or without cargo pockets).

2. Class A uniforms include navy blue uniform pants and light blue long sleeve uniform shirt with Cypress Police Department shoulder patches on each sleeve and a "Police Aide" tab patch below the Department patch.
 - (a) Alternative uniforms manufactured by Blauer and 5.11 as defined in this policy are not authorized for Class A uniform.
 3. Police Aides assigned to daytime field duties may wear navy blue shorts as described in the summer uniform section of this policy. Police Aides assigned to station duties shall not wear uniform shorts.
 4. Police Aides working inside the police facility may wear navy blue, 100% acrylic, long sleeve, front five-button uniform sweater with two sash pockets. Standard police jackets may be worn either inside or outside the police facility.
 5. Police Aides assigned to field duties (traffic and patrol) may wear the following items on their Sam/Sally Browne belt:
 - (a) Radio and Radio Holder
 - (b) Keys and Key Holder
 - (c) OC and OC Holder
 1. Only Police Aides assigned to field duties and who have been trained and certified may carry OC spray.
- (b) Staff Jackets
1. Optional: Eisenhower or Command style navy blue jackets with, twothree silver bands for commanders, and four silver bands for the Chief of Police may be worn.
- (c) Maternity Uniform
1. The maternity uniform for female personnel will consist of a dark blue uniform shirt, pleated, that can be worn untucked. Police Service Officers and Police Aides are authorized to wear the same style of uniform shirt in green or light blue, respectively.
 2. The shirt shall have a squared off bottom and no tails.
 3. Navy blue maternity slacks with a stretch panel may be worn with the maternity uniform shirt.
 4. Female employees who are pregnant may also wear civilian attire as described in this policy.

1042.4 INSIGNIA AND PATCHES

All issued patches remain the property of the Cypress Police Department. Members who separate employment are required to turn in all issued Cypress Police Department patches to the Personnel and Training Unit during the exit process. Patches may only be retained with the express permission of the Chief of Police or his/her designee.

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- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, two-quarters of an inch below the shoulder seem of the shirt and be bisected by the crease in the sleeve.
- (b) **Service Stars** - Service stars as indicators for length of service may be worn on long sleeved shirts and dress jackets. They are to be machine stitched onto the Class A uniform shirt. The stars are to be worn only on the left sleeve and each star represents five years of service.
- (c) **Assignment Insignias** - Assignment insignias (e.g., SWAT, FTO) may be worn as designated in the Wearing of Special Assignment Pins subsection of this policy.
- (d) **Badge** - The department-issued badge or an authorized sewn-on cloth badge must be worn and visible at all times while in uniform.
- (e) **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.
 - 1. Lead Patrol Officer - two silver and blue stripe chevrons with a star on each sleeve.
 - 2. Sergeant - two silver and blue stripe chevrons with a single bottom rocker on each sleeve.
 - 3. Commander - two silver stars worn on shirt collar.
 - 4. Chief - four silver stars worn on shirt collar or epaulets.
- (f) **Flag Pin** - A flag pin may be worn, centered above the nameplate.

Anytime an employee has a combination of ribbons or pins on the front of his/her uniform, the U.S. flag shall always be placed at the top.

1042.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police or his/her designee.

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1042.4.2 WEARING OF ACHIEVEMENT RIBBONS

All articles of apparel and accouterments worn by department employees shall conform to department regulations and shall be worn in accordance with this policy. Personnel who have been awarded special achievement ribbons and/or pins may wear them on their Class A and Class B uniforms as specified in this policy.

- (a) Personnel who have been awarded special achievement ribbons (e.g., Medal of Valor, Distinguished Service) may wear these ribbons on their uniform.
- (b) These ribbons shall be worn centered, directly above their name badge. Personnel who have multiple ribbons shall wear them in rows of two, with any additional ribbons being centered above the lower row. Ribbons shall be placed in order of importance.

1042.4.3 WEARING OF SPECIAL ASSIGNMENT PINS

Personnel who have earned special assignment pins may wear them on their Class A and Class B uniforms as specified in this policy.

- (a) Personnel have the option of wearing special assignment pins (e.g., SWAT, PACE, FTO, K-9). Special assignment pins may only be worn by personnel who are currently working a special assignment duty.
- (b) When wearing a single special assignment pin, it shall be centered on the right pocket flap of the uniform shirt, directly above the button of the pocket flap. When wearing two special assignment pins, they shall be worn on either side of the button on the right shirt pocket flap. If two pins are worn, they shall be centered and worn in a row.
- (c) No more than two special assignment pins shall be worn at one time.

1042.4.4 WEARING OF MILITARY RIBBONS

Personnel who have military ribbons from their respective duties within the United States Armed Forces may wear their respective ribbons on their Class A uniform.

- (a) Military ribbons shall be worn above the name badge with the Police Department ribbons being worn directly above them on a new row, when applicable. A maximum of three military ribbons or one row may be worn.
- (b) All ribbons shall be centered above the lowest row of ribbons, when there are less than three ribbons on the top row. Each row of ribbons shall contain no more than three ribbons.

1042.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

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- (a) All employees shall wear clothing that fits properly, is clean and free of stains, not damaged or excessively worn, and is at the discretion of the respective division commander and/or the Chief of Police.
- (b) All male administrative, investigative, and support personnel, who elect to wear civilian clothing to work, should wear business slacks with a conventional shirt and tie, and dress shoes or loafers. The level of expected attire shall be at the discretion of the respective division commander.
- (c) All female administrative, investigative, and support personnel, who elect to wear civilian clothes to work, should wear dresses, dress suit, skirt and blouse, pantsuit or blouses and pants, and dress shoes or loafers appropriate to a business-like appearance. The level of expected attire shall be at the discretion of the respective division commander.
- (d) Personnel assigned to administrative, investigative, and support assignments may also wear casual slacks and a collared shirt with casual shoes. Any other casual attire for departmental personnel who are on-duty must receive prior approval from the respective division commander.
- (e) Undercover or specially-assigned personnel may wear clothing appropriate to their assignment, which may include appropriate t-shirts and properly fitted jeans.
- (f) Personnel attending court shall wear a police uniform or
 1. For male employees - business suit or sports coat, shirt, tie and slacks.
 2. For female employees - pant or skirt suit, dress, or slacks/skirt and blouse.
- (g) The following items shall not be worn on-duty:
 1. Inappropriate shirts and blouses, including t-shirts, sweatshirts, tank tops, swimsuit, halter tops, crop tops, sports jerseys, tight-fitting backless, sheer material or other blouses that reveal midribs or are deemed suggestive.
 2. Inappropriate dresses and skirts, including mini-skirts or short lengths, tight fit, or sheer material.
 3. Inappropriate pants, including jeans, shorts or cut-offs, sweatpants/athletic wear, casual caprice or beach combers, leggings, stirrup pants, spandex and overalls.
 4. Sandals or thongs. Shoes shall be appropriate for business attire.
 5. Distastefully printed images, slogans, buttons or pins.
- (h) Variations from this order are allowed at the discretion of the division commander or unit supervisor when the employee's assignment or current task is not conducive to the wearing of such clothing.

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- (i) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Cypress Police Department.

1042.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Cypress Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Cypress Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1042.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1042.7.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Cypress Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retiree Concealed Firearms Policy.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be

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instructed that any such badge will remain the property of the Cypress Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1042.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Cypress Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Cypress Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Police Aides

1044.1 PURPOSE AND SCOPE

Police aides work under direct supervision, and perform a variety of support roles throughout the Department.

1044.2 PROGRAM COORDINATOR

The Administrative Sergeant will serve as the Program Coordinator. The Administrative Commander will be responsible for making their individual assignments throughout the Department. He/she will also monitor the training provided for all police aides and review all decisions affecting job assignments.

1044.3 ORIENTATION AND TRAINING

Newly hired police aides will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted according to job assignment.

1044.4 POLICE AIDE UNIFORMS

Each police aide will be provided a uniform meeting the specifications described in the Uniform Manual for civilian employees.

1044.5 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each police aide. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Administrative Sergeant.

1044.6 RIDE-ALONG PROCEDURES

All police aides are encouraged to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Police aides shall wear their uniform while participating on a ride-along.

1044.7 PERFORMANCE EVALUATIONS

Performance evaluations for all police aides shall be completed at the accumulation of 1040 hours. After that, they will be evaluated on a yearly basis to assess their current job performance.

Nepotism and Conflicting Relationships

1046.1 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.

1046.1.1 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.

1046.2 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.

1046.2.1 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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1046.2.2 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

1048.1 PURPOSE AND SCOPE

The Cypress Police Department badge and uniform patch as well as the likeness of these items and the name of the Cypress Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1048.2 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.

1048.2.1 FLAT BADGE

Sworn officers will 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 Department-Owned and Personal Property Policy.
- (b) An honorably retired officer may receive a "retired" flat badge upon retirement.
- (c) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1048.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Police Service Officer, Police Aide).

- (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.

1048.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1048.3 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.

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Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1048.4 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 Cypress 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

1050.1 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.

1050.2 POLICY

Subject to operational considerations, the Cypress 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.

1050.3 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 Cypress 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.

1050.4 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 Office 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.

1050.4.1 MODIFIED DUTY SCHEDULES

Medical appointments for on-duty injuries should be scheduled during the employee's modified duty hours. Medical appointments for off-duty injuries should be scheduled on the employee's own time or the employee will need to use appropriate leave time.

The schedules of employees assigned to modified duty may be adjusted to suit Department needs at the discretion of the Division Commander.

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.

1050.4.2 ACCOUNTABILITY

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

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Temporary Modified-Duty Assignments

- (c) Supervisors shall keep the division commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the division commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the division commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1050.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1050.5 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.

1050.5.1 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.

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Temporary Modified-Duty Assignments

1050.5.2 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.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1050.6 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.

1050.7 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.

1050.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1050.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Temporary Modified-Duty Assignments

1050.9 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

Peer Support Program

1053.1 PURPOSE AND SCOPE

The Peer Support Team's (PST) purpose is to provide a confidential and easily accessible support system that is dedicated to assisting employees during times of professional and personal crisis. Team members are required to be highly trained, responsive, compassionate peers with a commitment to providing emotional support and assistance to all employees. The vision of the Peer Support Team is to enhance the personal and professional lives of all employees of the Cypress Police Department through education, outreach, and validation.

1053.1.1 PROGRAM OBJECTIVES

- (a) To provide a readily accessible support network of specifically trained employees and chaplains willing to assist police employees in dealing with and recovering from traumatic incidents, accidents, and other situations which have potential to negatively impact the employee in the future.
- (b) To promote trust, allow for anonymity and preserve confidentiality for employees.
- (c) To maintain an effective and ongoing peer support training process.
- (d) Through training, enhance the employee's ability to anticipate personal difficulties and to provide an awareness of assistance available through the Peer Support Team (PST).
- (e) Develop Peer Support personnel who can provide guidance or refer police employees to mental health professionals and alternative resources as required.
- (f) Create a supportive network designed to check on the status of employees who are off work due to illness or duty-related injuries and provide support where desired or needed.

1053.2 PEER SUPPORT TEAM STRUCTURE

Budget Manager – The Peer Support Program budget will be overseen by the Senior Management Analyst who will coordinate with the Program Manager.

Program Manager – The Program Manager should be the rank of Lieutenant and shall oversee the Peer Support Program.

Program Coordinators - The Program Coordinator(s) should be the rank of Sergeant or higher. The Program Coordinators shall be responsible for the Peer Support Team coordination, training, and the deployment of the Peer Support Team.

Program Advisor - The Program Advisor will be a licensed Forensic Psychologist with exceptional experience dealing with police and/or first responder issues. His/her duties shall consist of:

- (a) Assisting in training and selection of Peer Support Team Members
- (b) Providing continued training in the techniques of peer counseling
- (c) Providing guidance at debriefings

Peer Support Program

Peer Support Team Members - Peer Support Team Members shall be selected from the Department personnel at large, and be comprised of both sworn and professional staff.

The Peer Support program will fall under the Support Services Division for budget and accountability purposes.

1053.3 TEAM PARTICIPATION

1053.3.1 SELECTION PROCESS

When an opening on the team becomes available, the Program Coordinator will publish a memorandum requesting nominations to fill the vacancy. Those nominated will meet the following qualifications:

- (a) Members of the department in good standing who have been nominated by their peers; or have submitted a memorandum of interest to the PST Coordinator.
- (b) Previous education and training in peer support are desirable.
- (c) Resolved traumatic experiences.
- (d) Possess personal qualities such as maturity, good judgment, ethics, and credibility.
- (e) Endorsement through the chain of command.
- (f) Not currently the object of a serious or major investigation, suffering from serious personal problems, or work restrictions involving psychiatric stress.

Upon acceptance of the nomination, candidates will participate in an interview panel consisting of the PST Coordinator, PST Advisor, and a PST member from another agency. Upon successful completion of the interview, recommendations will be sent to the Chief of Police, or his or her designee, for final selection.

Selection of members for the PST is not considered a special assignment as set forth in Cypress Police Department Policy §1026, or section 10 of the Memorandum of Understanding between the City of Cypress and the Cypress Police Officers' Association.

1053.3.2 DUTIES AND RESPONSIBILITIES

Upon selection, Peer Support Team members will be required to fulfill the following criteria:

- (a) Demonstrate strong ethics and agree to maintain confidentiality within the guidelines provided in this policy.
- (b) Be empathetic and possess good interpersonal and communication skills.
- (c) Be motivated and willing to manage time effectively in order to minimize disruption to his/ her normal duties.
- (d) Willingness to attend any required initial and on-going training, as well as scheduled meetings.
- (e) Willingness to receive therapy annually or bi-annually on a voluntary basis.

Peer Support Program

1053.3.3 REJECTION AND REMOVAL PROCESS

In the event an applicant for the Peer Support Team fails to complete successfully any phase of the testing process they will be eliminated from the selection process.

Once selected for the program, a PST member may voluntarily resign from the program or be removed for conduct inconsistent with program policy or objectives by the Chief of Police or designee, or at the suggestion of the Program Advisor or TCTI.

The Department will retain the right to remove a PST member for substandard work performance or other organizational issues. In the case of an involuntary removal from the program, the final decision will rest with the Chief of Police or designee.

1053.4 CHAPLAIN PARTICIPATION

Members of the Department's Chaplain Program may participate in the PST with the approval of the Chief of Police; Chaplains who wish to be a part of the program will attend the same basic training as any other member of the PST and must agree to attend team-training events. In addition to their duties in accordance with the Chaplain program, Chaplains who become part of the PST may be included in PST activities, including group debriefings, to offer additional support to the employees.

When there is a potential issue of confidentiality, the use of a Department Chaplain should be considered to maintain the employee's confidentiality as well as the integrity of the program. Chaplains may be removed from the program by the PST Manager based on organizational needs.

1053.5 TRAINING

The PST Program Coordinator will be responsible for maintaining liaison with outside consultants in the coordination and scheduling of training activities.

1053.5.1 PEER SUPPORT TEAM TRAINING

The initial PST training will include the Basic Peer Support course and the Basic Critical Incident Stress Management course. This training is intended to provide a basic understanding of techniques used in the following areas:

- (a) Developing rapport with an employee undergoing personal or job-related crisis.
- (b) Enhancing listening skills.
- (c) Provide the counselor with general assessment skills to assist in problem-solving to include, but not be limited to, the following:
 - (a) Officer-involved shootings
 - (b) Traumatic police-related incidents
 - (c) Severely injured employees
 - (d) Long-term illness or injury
 - (e) Critical family crisis (regardless of duty relationship)

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Peer Support Program

- (f) Chemical dependency (only within the expertise and limitations of the program; others will be referred)
- (g) Generalized stress/anxiety
- (c) Providing referrals and follow-up if necessary

1053.5.2 FOLLOW-UP TRAINING FOR PEER SUPPORT TEAM MEMBERS

Periodic training programs should be conducted with the assistance of specialists in the following areas:

- Problem-solving workshops
- Referral workshops
- Advanced skills workshops
- Post-shooting trauma workshops
- Chemical dependency/alcohol and substance abuse workshops
- Grief workshops

1053.6 TEAM MEMBER RESPONSIBILITIES

Peer Support Team members have a responsibility to:

- (a) Convey trust and anonymity to employees who seek assistance from the peer support program.
- (b) Provide assistance to employees on a voluntary basis;
 - (a) Assistance may occur on or off-duty.
- (c) Make referrals for assistance when deemed appropriate.
- (d) Participate fully in program activities.
- (e) Agree to be contacted and, if reasonable, respond at any hour.
- (f) Develop a sincere rapport with the individual employee and maintain confidentiality.
 - (a) Each person's situation is unique: The PST member's mission will be to help individuals identify their own concerns and to assist these individuals in helping themselves.
- (g) Remain available to the individual and offer additional support as necessary.
- (h) Remain available for support and assistance on any other critical incident at the discretion of the Chief of Police or designee.
- (i) Provide feedback to PST Coordinator and members regarding program activities and the effectiveness of the programs as well as confidential statistical data regarding contacts in order to assist in training and staffing.

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Peer Support Program

1053.6.1 CONFIDENTIALITY

Communication between a PST member and an employee is considered confidential as outlined in Government Code §8669.4 (b), and cannot be disclosed except as outlined within the law. When concerns regarding the confidentiality of communications arise and cannot be resolved, the PST member should contact the Program Coordinator or Manager for guidance. The final decision, if the issue is not resolved, shall rest with the Program Manager.

PST members are required to disclose, to the appropriate authority, reports of all threats of future harm to a known victim (as directed in *Tarasoff v. Regents of the University of California*, 13 C3d425, 131 CAL Report, 14 351 P2D 334). PST members will also disclose all incidents involving threats or actual injury, injury to self or others, any information regarding the commission of a crime, or as compelled by a court of competent jurisdiction. Disclosures compelled by a court will be made directly to the Court.

1053.7 POST-INCIDENT DEBRIEFS

Debriefings and defusing should be conducted by a qualified mental health professional and, where possible, an appropriately trained "peer support officer". Attendance at debriefings is highly recommended for all employees involved in the critical incident.

A defusing immediately follows the critical incident and generally lasts no longer than one hour. It gives all parties involved in the incident the "big picture" of what occurred. Peer Support Team members may be present to give assistance and support. A defusing may eliminate the need for a formal debriefing or it may enhance the formal debriefing process. The Peer Support Coordinator (Sergeant) and Program Advisor (Professional Mental Health Provider) will decide on the need for a formal debriefing.

One certified Critical Incident Stress Management mental health professional and two to three Peer Support Team members are usually required to conduct a debriefing. A Cypress Police Department Chaplain is optional but is highly recommended. The debriefing may last two to four hours.

While it is difficult to identify incidents that will require a debriefing due to the various circumstances employees might encounter, the following is a list of incidents that may require a group debriefing ideally attended by all involved employees:

- Any event in which an employee is killed or suffers serious injury
- Any officer-involved shooting incident
- Employee suicide
- Employee witnessed another employee's death or injury
- Employee is taken hostage
- Employee is a witness to or responds to suicide
- Employee is a witness to or responds to violent death/serious injury

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Peer Support Program

- Employee is a witness to or responds to an infant or child death
- Fatal traffic collisions or collisions with extenuating circumstances
- Employee is involved in a mass casualty event
- Any incident that is likely to affect the employee's ability to interact with the public and carry out their job functions
- Any other incident deemed appropriate and approved by a supervisor or PST Manager.

Debriefs in which attendance is optional may be offered following any event not listed above in which a need is communicated to the Program Coordinator by anyone in the department. Debriefs should be conducted as soon as practical following a critical incident and generally within 24-72 hours after the incident.

1053.8 PROGRAM IDENTIFICATION AND PUBLICATION

PST participants will be identified by their names, assignment, and work extensions. This information will be posted conspicuously throughout the department. The PST may distribute a periodic bulletin, which will contain items of information regarding the program, such as training workshop notices, suggested reading material, helpful counseling hints, and referral information.

1053.9 OUTSIDE AGENCY PARTICIPATION

The PST may be utilized to support other departments within the City of Cypress and may work in cooperation with peer support teams of other agencies upon request and in multi-agency and/or multi-department incidents.

When an outside agency requests assistance, the Cypress PST member's role is to support and assist based on the needs of the requesting agency. The request for assistance may come from the Peer Support Coordinator of the requesting agency, or the Orange County Association of Peer Supporters Coordinator. Requests for assistance could include, but are not limited to:

- Providing a meal for the requesting department
- Providing a supportive presence after a traumatic/critical incident
- Providing assistance to personnel who have been through and overcome a similar event
- Work in partnership with requesting department PST and contracted mental health providers

1053.10 OVERTIME GUIDELINES

The role of the Peer Support Team is to provide assistance in time of need. In most cases, assistance should take the form of on-duty meetings of relatively short duration, usually not exceeding four hours. In the event that overtime is required, a PST Member's immediate supervisor or the Program Coordinator shall authorize it in advance when practical.

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Peer Support Program

1053.11 DISCIPLINE

Peer Support personnel who may be involved in conducting any administrative or criminal investigation or administrative discipline relating to an employee seeking assistance shall remove themselves from the Peer Support component for that employee until the conclusion of the investigation or proceedings. This shall also apply to those who are witnesses, victims, or have other involvement in the investigation or proceedings.

Employee Speech, Expression and Social Networking

1054.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1054.1.1 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.

1054.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Cypress 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.

1054.3 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 Cypress 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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Employee Speech, Expression and Social Networking

- 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.

1054.4 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 Cypress 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 Cypress Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Cypress Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Cypress Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

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Employee Speech, Expression and Social Networking

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Cypress Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1054.4.1 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 Cypress Police Department or identify themselves in any way that could be reasonably perceived as representing the Cypress 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 Cypress 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

Employee Speech, Expression and Social Networking

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).

1054.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1054.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1054.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Anti-Retaliation

1055.1 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.

1055.2 POLICY

The Cypress 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.

1055.3 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.

Anti-Retaliation

1055.4 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 Manager.

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.

1055.5 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.
- (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.

Anti-Retaliation

1055.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1055.7 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 Support Services Division Commander for investigation pursuant to the Personnel Complaints Policy.

1055.7.1 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).

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Cypress PD Policy Manual

Anti-Retaliation

1055.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1055.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Attachments

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**

Hate Crime Checklist.pdf

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: _____ <i>(e.g., non-profit, private, public school)</i> 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>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</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 <i>(e.g., 9/11, holy days)</i></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> <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>
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	<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>
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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>
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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	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<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: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

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: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<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			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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