

ESCONDIDO POLICE DEPARTMENT CRITICAL CORE POLICY TASKS

The following Department Instructions have been identified as CORE POLICIES involving CRITICAL TASKS officers are required to perform. See Department Instruction 1.41 for training guidelines.

NUMBER	SUBJECT
1.2B	Equipment and Weapons
1.5	Use of Firearms
1.6	Use of Chemical Agents
1.10	San Diego County Regional Pursuit Policy
1.13	Handcuffing and Searching Prisoners
1.15	Emergency Vehicle Operations
1.22	Security of Criminal Offender Record Information (CORI)
1.24	Use of Physical Force
1.25	Discrimination/Sexual Harassment
1.27	Use of Baton
1.28	De-Escalation and Crisis Intervention
1.29	Use of a Conducted Energy Weapon (CEW)
1.35	Confinement of Minors
1.43	Use of WRAP Restraint Device
1.46	Use of Specialty Munitions
1.51	Use of Recording Devices
1.56	Use of Jail Restraint Chair
1.57	Use of Narcan
3.1	Procedures for Handling Evidence
3.3	Missing Persons, Runaways, Lost, Missing Children
4.6	Jail Duties and Responsibilities
4.11	Foreign Nationals
4.19	High Risk Stops
4.26	Use of Tire Deflation Devices

The following additional Department Instructions have been identified as core policies involving critical tasks supervisors are required to review annually.

NUMBER	SUBJECT
1.12	Civilian Complaint Procedures
1.30	Long Range Acoustical Device (LRAD)
3.14	Major Crime Protocol
4.1	Rules & Regulations Governing All Watches
4.4	LEICS
4.13	Hostage Takers / Barricaded Suspects

DEPARTMENT INSTRUCTIONS REGISTER

1.0 ADMINISTRATION

<u>No.</u>	<u>Date</u>	<u>Subject</u>
1.1	11-26-24	Dept. Instructions, Communications, Correspondence, and Procedures
1.2	02-27-25	Uniform, Equipment and Appearance
1.2B	05-18-21	Equipment and Weapons
1.2C	DELETED	
1.3	07-22-21	Service Awards
1.5	09-05-24	Use of Firearms: Reporting and Investigation of Shooting Incidents
1.6	04-20-22	Use of Chemical Agents
1.7	08-03-22	Press Release Guidelines
1.8	11-26-24	Peer Support Guidelines
1.9	11-17-20	Procedures for Transporting Prisoners to County Jail
1.10	01-28-25	San Diego Countywide Pursuit Protocol
1.11	11-24-25	Transfers Within the Department-Police Officers and CSOs
1.12	08-04-22	Civilian Complaint Reception and Investigation Procedure
1.13	10-01-20	Handcuffing and Searching Prisoners
1.14	12-03-20	Transportation of Children
1.15	10-07-20	Emergency Vehicle Operation
1.16	11-17-20	Notification of Administrative and Investigative Personnel
1.17	11-17-20	Outside Employment
1.18	12-03-20	Public Records Requests
1.19	03-12-24	Court Procedures and Subpoenas

DEPARTMENT INSTRUCTIONS REGISTER

1.0 ADMINISTRATION

<u>No.</u>	<u>Date</u>	<u>Subject</u>
1.20	03-27-23	Unmanned Aircraft Systems
1.21	11-17-20	Replacement of Damaged Personal Property
1.22	03-31-16	Security of Criminal Offender Record Information & Media Protection
1.23	09-16-20	Police Officers' Raw Notes
1.24	09-28-22	Use of Force and Use of Force Review Committee
1.25	08-16-17	Discrimination/Sexual Harassment
1.26	09-16-20	Use of Citizen Volunteers in the Police Department
1.27	02-17-22	Use of Baton
1.28	02-17-21	De-Escalation and Crisis Intervention
1.29	01-20-22	Use of a Conducted Energy Weapon (CEW)
1.30	09-05-24	Long Range Acoustical Device (LRAD)
1.31	12-23-20	Ride-Along Program
1.32	08-14-24	Employee Performance Evaluations
1.33	11-26-19	Tattoo Policy
1.34	05-08-25	Modified Duty Policy
1.35	04-02-25	Confinement of Minors
1.36	11-17-20	Emergency Response Cost Recovery Procedures
1.37	08-22-14	Interior Building Security
1.38	11-17-20	Supervisor's Report
1.39	07-18-19	Workers' Compensation
1.40	10-23-14	P.O.S.T. Certificate Eligibility

DEPARTMENT INSTRUCTIONS REGISTER

1.0 ADMINISTRATION

<u>No.</u>	<u>Date</u>	<u>Subject</u>
1.41	02-16-22	Core Policy Training
1.42	11-17-20	San Diego County Law Enforcement Inter-Agency Notification Policy
1.43	07-17-23	Use of WRAP Restraint Device
1.44	12-23-20	Computer Procedures
1.45	12-29-20	CCW Procedures for Reserve Officers When Off Duty
1.46	07-21-25	Use of “Specialty” Munitions
1.47	11-17-20	Chaplaincy Program
1.48	01-06-21	Critical Incident Debriefing Protocol
1.49	12-21-18	Line of Duty Death Notification Policy
1.50	02-17-22	Racial and Identity Profiling Act (RIPA)
1.51	10-07-21	Use of Recording Devices
1.52	04-20-22	Training Travel and Reimbursement Procedures
1.53	12-03-20	Protocol For Dissemination of Megan’s Law Information
1.54	12-03-20	Procedures for Impounding and Disposition of Firearms
1.55	04-17-24	Military Equipment Use Policy
1.56	11-27-23	Use of Jail Restraint Chair
1.57	09-20-21	Naloxone Hydrochloride (“Narcan”)
1.58	12-23-20	Department Forms Committee and Forms Management
1.59	12-03-20	Cash Handling Procedures
1.60	12-03-20	Online Reporting
1.61	10-07-21	Social Networking, Employee Speech and Expression
1.62	08-12-21	Automated License Plate Recognition Systems

DEPARTMENT INSTRUCTIONS REGISTER

2.0 COMMUNICATIONS/RECORDS

[illegible]

DEPARTMENT INSTRUCTIONS REGISTER

3.0 INVESTIGATIONS

<u>No.</u>	<u>Date</u>	<u>Subject</u>
3.1	08-28-24	Procedures for Handling Evidence, Property and Hazardous Materials
3.2	09-05-24	Auto Theft Procedures
3.3	06-12-23	Missing Persons, Juvenile Runaways, Lost or Missing Children and Walk-Aways
3.4	01-18-19	Death Report-Writing Procedures
3.5	12-23-20	Arson Investigations
3.6	12-03-20	Child Abuse Investigations
3.7	05-25-16	Procedure for Handling and Disposing of Suspected Stolen Property From a Pawnshop
3.8	12-03-20	Investigation of A.B.C.-Licensed Establishments
3.9	12-29-20	Physical Examination of Victims/Suspects
3.10	12-03-20	Infectious Disease Control
3.11	12-03-20	Report of Suspected Dependent Adult/Elder Abuse
3.12	12-23-20	Gang Documentation and Intelligence Files
3.13	DELETED	
3.14	10-07-20	Major Crime Protocol
3.15	01-06-21	Use and Management of Police Informants
3.16	05-10-23	Gun Violence Restraining Orders

DEPARTMENT INSTRUCTIONS REGISTER

4.0 PATROL/TRAFFIC

<u>No.</u>	<u>Date</u>	<u>Subject</u>
4.1	10-20-21	Rules and Regulations Governing All Watches
4.2	01-06-21	Impounding of Vehicles
4.3	12-03-20	Outside Arrests – Animal Control and Emergency Services
4.4	08-11-20	Law Enforcement Incident Command System
4.5	01-07-21	Traffic Enforcement Guidelines
4.6	10-14-24	Jail Duties and Responsibilities
4.7	12-23-20	Notice to Appear Release of Misdemeanor Prisoners
4.8	01-06-21	Arrests for DUI and Chemical Tests for Intoxication
4.9	05-11-18	Chemical Test Procedures for Drugs or Narcotics
4.10	05-16-24	Documentation of Traffic Collisions
4.11	11-06-19	Foreign Nationals and Undocumented Persons
4.12	12-03-20	Dismissal/Voiding of Citations
4.13	09-16-20	Hostage Takers/Barricaded Suspects
4.14	01-01-24	State of California Missing Persons Alert Program
4.15	01-13-21	Police Service Dogs
4.16	12-23-20	Utilization of Patrol Technician
4.17	12-03-20	Bomb Incidents
4.18	12-03-15	Crime and Arrest Report Formats
4.19	10-01-20	High-Risk Stops
4.20	DELETED	

DEPARTMENT INSTRUCTIONS REGISTER

4.0 PATROL/TRAFFIC

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DEPARTMENT INSTRUCTIONS REGISTER

5.0 LEGAL

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ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-26-24	NO: 1.1 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: DEPARTMENT INSTRUCTIONS, COMMUNICATIONS AND CORRESPONDENCE, AND PROCEDURES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.1, dated September 16, 2020.

I. PURPOSE

To identify and clarify interdepartmental and intradepartmental communications.

II. DEPARTMENT INSTRUCTIONS

Department Instructions are orders which are of prolonged duration and designed to provide a method of transmitting policies and procedures that generally apply to all members of the Department. All Department Instructions carry the same force as Department Rules of Conduct. Department Instructions facilitate standardization, improve information retention and provide convenient accessibility to written policies and procedures.

- A. Department Instructions are grouped into six major categories and numbered consecutively, with each category having a master number. The categories are:

Administration	1.0
Communications/Records	2.0
Investigations	3.0
Patrol/Traffic	4.0
Legal	5.0
Miscellaneous	6.0

- B. The categorizing of Instructions is determined specifically by the area of greatest use and generally by the originating division. For example, child abuse cases are most often investigated by the Investigations Division. Therefore, it is placed in the Investigations (3.0) category.
- C. Instructions grouped within a particular category are identified first by the master number. Specific Instructions are identified by a number following the master number. Additional Instructions within the category are numbered consecutively. For example, this Instruction is numbered 1.1, or the first Instruction in the Administration category; succeeding Instructions are 1.2, 1.3, 1.4, etc.
- D. An index of Instructions must be maintained in the front of the Instruction file. This index lists Instructions in numerical sequence by major category. As new

or revised Instructions are published and distributed, the number and date must be entered under the appropriate category as personnel receive them.

E. Dissemination:

1. All personnel are responsible for compliance with the procedures outlined in Department Instructions. Department Instructions will be distributed in accordance with the following:
 - a. The Executive Assistant to the Chief of Police will send an email notification to all personnel as the electronic copies of Department Instructions are updated.
 - (1) Personnel shall obtain authorization from their lieutenant prior to printing the entire volume.
 - b. The following departments/divisions shall print hard copies of Department Instructions for retention in three-ring binders for easy reference:
 - (1) Administration will maintain one book.
 - (2) The City Attorney's Office will maintain one book.
 - (3) The City Manager's Office will maintain one book.
 - (4) Human Resources will maintain one book.

F. Retention and Revision:

1. Department Instructions are cancelled only by a new/revised instruction or a notice of cancellation.
2. Reviews and revisions of Department Instructions will be accomplished according to the schedule and assignments provided by the Chief's designee. He/she shall meet with the appropriate Bureau Commander to determine the assignments and the need for review. All Core Department Instructions shall be reviewed annually; all remaining Instructions shall be reviewed every two years.
3. Personnel assigned to review Instructions are responsible to research all resources having application for appropriate revision such as statute and case law, DOJ guidelines, POST, allied agencies, department staff and community standards when determining whether an Instruction is current, should be cancelled or revised. The Bureau Commander will authorize personnel to seek the assistance and approval of the City Attorney's Office on Instructions when appropriate.
4. New or revised Instructions must be submitted just as they will appear in the final form. When completed, they should be sent through the

reviewing individual's chain of command to the Chief. Once approved and returned to the reviewing individual, the reviewing individual will submit an approved copy to the Executive Assistant who will update the Instruction(s) in the Resource Library.

5. Numerical designations of new Department Instructions will be issued by the Chief's designee.

6. New, Revised, and Reviewed Department Instructions:

New: Every page of a new Instruction will be marked at the bottom with the date and the author's initials/ID number.

Revised: Every page of a revised Instruction will be marked at the bottom with "Revised," followed by the date and initials/ID number of the person responsible for the revision.

Reviewed: If no changes are made, the bottom of the page will be marked with "Reviewed," followed by the date and initials/ID number of the person responsible for the review. The date of the Instruction at the top of page one will NOT be changed.

7. New Department Instructions will be issued by the Chief of Police or his/her designee.

G. Format and Instructions

1. The first item in the body of the Instruction will indicate whether it is a new Instruction or a replacement and will list those instructions replaced or cancelled.
2. Purpose or Policy should be the next heading.
3. Specific details of the policy or procedure should follow in logical sequence with related details grouped under the general headings.
4. Groups of related details should be numbered with each salient point separated and lettered for easy comprehension.

A proper outline format should be used, preceding major headings or topics with a Roman numeral. Subheadings are then preceded in descending order by an upper case alphabetical letter, an Arabic number, a lower case alphabetical letter, an Arabic number in parenthesis, and a lower case alphabetical letter in parenthesis:

Example:

- I. Uniform Specifications - Sworn Personnel (Male)
 - A. Uniform Shirt

1. Material: All wool tropical worsted, etc.

- a. -----
 - (1) -----
 - (a) -----

- 5. Each Instruction, and each separate point of it, should be kept as brief as possible. Long, narrative-type orders with numerous points are confusing and should be avoided.

H. Employee Organization Consultation

- 1. The Bureau Commander will determine which Instructions should be forwarded to the employee associations and to the City Attorney for review.
- 2. Any meeting held with an employee organization and the Department head or his representative as a result of a proposed change is consultative and is not a negotiating session.
- 3. An opportunity for an employee organization representative to review a proposed change and consult with the Department head or his representative will be considered reasonable advance notice.

I. Limited English Communication

For victims, suspects, and witnesses with limited English-speaking abilities, only perform interpretation if you are proficient in their language. If you are not, utilize your agency's language line services for interpretation into their language and/or ASL, by phone, internet, or video. Vital documents, forms and resources should be made available in common languages as well.

III. RULES, REGULATIONS AND PROCEDURAL MANUALS

- A. The Department Rules of Conduct are to be reviewed periodically by the Chief's designee and an Escondido Police Officers' Association representative.
- B. Procedural Manuals, as well as other Divisional Policies and Procedures, are to be reviewed periodically by each division and are the responsibility of that Bureau Commander.

IV. ORDERS

A. Department Orders

- 1. Department Orders will be any written directive which requires compliance. The publications carry the same force as Department Instructions and Department Rules of Conduct.

2. Department Orders dating back to 1978 will be maintained in the Resource Library located on the S Drive and will be entered by the Executive Assistant.
3. Department Orders are to be approved and issued only under the title and authority of the Chief of Police.

B. Division or Unit Orders

1. Division or Unit Orders are any written directive which requires compliance by a specific division or unit. (Example: Investigations Division Order pertaining to dress code.) The publications carry the same force as Department Instructions and Department Rules of Conduct.
2. Division or Unit orders will be maintained in the Resource Library located on the S Drive and will be entered by the Executive Assistant.
3. Division and Unit Orders must be approved by the Bureau Commander prior to issuance. A copy of Division and Unit Orders will be forwarded to the Executive Assistant for electronic filing.
4. Bureau Commanders are responsible for the dissemination of Division and Unit Orders within their bureau.
5. Division and Unit Orders shall neither conflict with nor supercede Department Orders.
6. The following sample illustrates the approved style and format to be used in the preparation of Orders.

ESCONDIDO POLICE DEPARTMENT

DEPARTMENT ORDER / DIVISION ORDER / UNIT ORDER

Date

TO:

FROM:

SUBJECT:

The body of the message should be brief and contain only the essential elements of the directive.

V. FORMAL LETTERS

- A. Correspondence shall be clear, concise, and accurate and employ short words, sentences and paragraphs as much as possible.
- B. Incoming letters requiring a reply shall be given prompt attention. If unusual delay cannot be avoided, acknowledgment will be made with an approximate date of answer included.
- C. Unit commanders may sign certain types of correspondence with the approval of the appropriate Bureau Commander.
- D. The signature block on letters signed by other than the Chief shall be:

KEN PLUNKETT
CHIEF OF POLICE

A. B. Smith, Lieutenant
Investigations Division

- E. Letters answering policy questions, complaints concerning the Department or an officer, correspondence to the city manager, mayor, a councilmember, other high officials, or commendatory letters are not to be signed by anyone other than the Chief or someone designated by him.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 02-27-25	NO: 1.2 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: UNIFORM, EQUIPMENT AND APPEARANCE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.2, dated January 31, 2024.

INTRODUCTION

Adherence to this Department Instruction relates directly to the professional appearance of the Department. Prior to purchasing or wearing any article of clothing or equipment, personnel should refer to this Instruction to ensure the item is authorized for wear.

I. PURPOSE

- A. To establish regulations and specifications for police uniforms, equipment, personal appearance, and the carrying of weapons and Department identification.
- B. This instruction shall apply to all uniformed personnel, sworn and non-sworn.

II. WEAR OF UNIFORM AND EQUIPMENT

- A. Members of the Department shall wear uniform items and articles of equipment authorized in this Instruction. Required uniform items or articles of equipment not provided by the Department shall be purchased by the member.
- B. Only personnel scheduled to be in an on-duty status, at court, in training, or in transit to and from the Department for official business may wear a Department uniform or use police equipment, to include police vehicles. Exceptions may be made by the Watch Commander.
- C. When on duty, all uniformed employees shall be in complete uniform, unless assigned to plainclothes duty or specifically directed otherwise by a supervisor.
- D. Personnel shall be in full uniform or appropriately dressed (business suit, court attire, training attire, etc.) and armed with a firearm when driving marked police vehicles. Gym attire is not acceptable in a marked police vehicle. Exceptions may be made by the Watch Commander.

III. GENERAL PROVISIONS

- A. Officers shall only wear those uniforms items, accessories and equipment specifically authorized in this policy, or items that are substantially similar to the authorized items. “Substantially similar” is defined as so similar in appearance that it can be mistaken for the authorized item and is, therefore, acceptable for wear. Obvious markings distinguishing a proposed item from the authorized item make the proposed item unacceptable for wear.
- B. Unless otherwise directed, members shall not combine civilian attire with the Department uniform.
- C. The long-sleeved shirt shall not be worn with the sleeves rolled up to any length.
- D. Sworn officers, CSOs, Patrol Technicians, and CTOs shall wear black undershirts when wearing open-collared shirts. Volunteers and auxiliary personnel shall wear white undershirts when wearing open-collared shirts. Undershirts shall be visible and of “crew” neck style, though a “mock turtleneck” may be worn with a long-sleeved shirt. Undershirts may not have a visible logo.
- E. The short-sleeved shirt shall not be worn with a long-sleeved undershirt.
- F. Socks, if visible, shall be black in color.
- G. Uniforms, equipment, and footwear shall be maintained in a neat and clean manner. When necessary, these items will be repaired or replaced when damaged, worn, faded, etc. Leather footwear shall be well-polished.
- H. Any condition determined by a supervisor to be contrary to this Instruction will be grounds for rejecting the individual use of the item in question.

IV. UNIFORM CLASSES

- A. Dress Uniform - The dress uniform is authorized for formal or business wear only. It is not authorized for field wear.
 - 1. The dress uniform shall include the following classes:
 - a. Dress Class A Uniform - Long-sleeved uniform with tie and gold tie bar. When required, or appropriate for the occasion, white gloves may also be worn. All officers and CSOs must possess and maintain a Dress Class A uniform.

- b. Dress Class B Uniform - Long-sleeved uniform (open collar). All officers and CSOs must possess and maintain a Dress Class B uniform.
 - c. Dress Class C Uniform - Short-sleeved uniform (open collar only). Only sworn officers at the rank of captain or above shall be required to maintain a Dress Class C uniform. Sworn officers assigned to a staff position may be required to wear a Dress Class C uniform at the discretion of the Chief of Police.
2. The dress uniform specifications, for all classes, shall consist of:
- a. Regulation Dress Shirts. Regulation dress uniform shirts shall be:
 - (1) 100% wool, or a 75% polyester and 25% wool blend. Female officers may wear the shirt with “darts” designed for female wear.
 - (2) LAPD blue in color for sworn officers. CSOs shall wear a “medium” blue shirt with LAPD blue pocket flaps and epaulets. Cadets shall wear a French blue heather shirt. Chaplains shall wear a heather gray shirt. Volunteers shall wear a white shirt.
 - b. Regulation Dress Trousers. All regulation dress trousers shall be:
 - (1) 100% wool, or a 75% polyester and 25% wool blend.
 - (2) They shall be LAPD blue in color for officers, CSOs, patrol technicians, and auxiliary personnel.
 - (3) Cargo pockets are not authorized for wear with regulation dress trousers.
 - c. Regulation Ties. A regulation tie, or a black dickey (for Color Guard members) shall be worn with the Dress Class A uniform.
 - (1) Regulation ties shall be of the four-in-hand style.
 - (2) Ties shall be navy blue for sworn officers and CSOs. Ties shall be plain black for volunteers, and other auxiliary personnel.

3. Dress Uniform Equipment. The dress uniform shall be worn with the following items:
 - a. Regulation footwear.
 - b. Regulation leather (or synthetic leather) utility belt with the following accessories:
 - (1) Duty holster with weapon.
 - (2) Magazine pouches/holders.
 - (3) Handcuff case.
 - (4) Keepers.
 - (5) All other belt accessories shall be worn when wearing the Dress Class B or Dress Class C uniform.

- B. Field BDU Uniform - The field BDU uniform is authorized for wear in the field and will not be worn during any formal occasion unless the member is on-duty for a normal shift (with the exception of Patrol Technicians and CTOs).

The field BDU uniform is optional for wear by sworn officers. This is the primary uniform for patrol technicians and cadets.

1. The field BDU uniform shall consist of the following classes:
 - a. Field BDU Class A Uniform - Long-sleeved BDU uniform.
 - b. Field BDU Class B Uniform - Short-sleeved BDU uniform.
2. The field BDU uniform specifications, for all classes, shall consist of:
 - a. Regulation BDU shirt. Regulation BDU shirts shall be:
 - (1) The Blauer Streetgear (style 8713) is the authorized long-sleeved shirt and short-sleeved shirt.
 - (2) Sworn officers shall wear black shirts. Patrol technicians and cadets shall wear French blue heather shirts. Patrol technicians may wear the Blauer Armorskin ballistic vest carrier and base shirt in the 75% wool and 25% polyester blend.

- b. Regulation BDU trousers. Regulation BDU trousers shall be:
 - (1) The Blauer Streetgear (Style 8810) are the authorized trousers.
 - (2) Sworn officers shall wear black trousers. Patrol technicians and cadets shall wear dark blue trousers.
- 3. Field BDU Equipment. The field BDU uniform shall be worn with the following items:
 - a. Regulation footwear.
 - b. Standard leather, synthetic leather, or nylon-textured utility belt with all weapons, equipment, and accessories authorized for wear on the belt.
- C. Field EPV Uniform - The field EPV (external patrol vest) uniform is authorized for wear in the field and will not be worn during any formal occasion unless the member is on-duty for a normal shift.

The field EPV uniform is optional for wear by sworn officers and CTOs only. The field EPV uniform shall be the standard uniform for sworn, uniformed personnel assigned to the Gang/Narcotics Unit.

- 1. The field EPV uniform shall consist of the following classes:
 - a. Field EPV Class A Uniform - Long-sleeved polo uniform.
 - b. Field EPV Class B Uniform - Short-sleeved polo uniform.
 - c. Field EPV Class C Uniform - Long-sleeved collarless polo uniform.
 - d. Field EPV Class D Uniform - Short-sleeved collarless polo uniform.
 - e. Field EPV Class E Uniform - Tactical shirt uniform.
- 2. The field BDU uniform specifications, for all classes, shall consist of:
 - a. Regulation polo shirt. Authorized polo shirts (long and short-sleeved) include the following:
 - (1) 5.11 Performance Polo.

- (2) First Tactical Performance Polo.
 - (3) Sworn officers shall wear black shirts. CTOs shall wear heather gray shirts.
 - b. Regulation collarless polo shirt. Authorized collarless polo shirt (long and short-sleeved) include the following:
 - (1) Three Sixty Six Quick Dry Collarless Golf Shirt.
 - (2) Sworn officers shall wear black shirts. CTOs shall wear heather gray shirts.
 - c. Tactical Shirt.
 - (1) The First Tactical Defender long-sleeved shirt is the only authorized model. There is no exception for an item that is “substantially similar”.
 - (2) Sworn officers shall wear black shirts.
 - d. Regulation Trousers. Sworn officers and CTOs shall wear black trousers. Authorized trousers include:
 - (1) 5.11 Stryke Pant.
 - (2) First Tactical V2 Tactical Pants.
3. Field EPV Equipment. The field EPV uniform shall be worn with the following items:
- a. Regulation footwear.
 - b. A synthetic nylon (or *Cordura* textured) duty belt shall be worn with the EPV uniform. The duty weapon is the only item required to be worn on the utility belt and may be worn in an authorized drop holster.
 - c. Authorized external patrol vest equipped with level IIIA, side ballistic protection with approved MOLLE pouches. Pouches and other accessory holders attached to the EPV shall be black in color and made of material similar to the EPV. Basket weave appearing duty belt and accessories are not authorized for wear with this uniform. All items shall be nylon or *Cordura* in appearance.

- d. The rear Velcro panel of the EPV shall be marked "POLICE" and may include markings consistent with certain special assignments. Only rear Velcro panels provided by the Department are authorized.

V. BADGE, NAMETAG, CLOTH NAME TAPE, AND SHOULDER PATCHES

When wearing the Department metal badge and name tag, the badge shall be worn over the left breast, plainly visible on the outermost garment. The metal name tag shall be placed over the right breast, plainly visible, on the outermost garment.

When not wearing the Department metal badge, a cloth badge patch shall be worn on all uniform shirts or jackets over the left breast. A cloth name tape, or embroidered name, shall be placed over the right breast. Cloth badge patches and cloth name tapes (or embroidered names) shall be worn on uniform shirts even when wearing an external patrol vest.

When wearing the BDS Tactical Patrol Vest, officers shall wear the Department badge over the upper left portion of the vest. The cloth name tape shall be centered and worn at the top of the chest portion of the vest.

All uniform items shall be worn with Department shoulder patches affixed over both shoulders.

A. Department metal badge.

1. The Department metal badge shall be worn on the dress uniform and may be worn on the field EPV uniform. The metal badge should not be polished to the extent that the antique finish is worn off the badge.
2. When wearing the dress uniform, the metal nametag shall be worn with the metal badge.
3. When wearing the field EPV uniform, the metal badge shall be worn with the cloth name tape.

B. Department cloth badge or synthetic badge patch.

1. The Department cloth badge or synthetic badge shall be worn on the field BDU uniform and the standard uniform jacket. The Department cloth badge or synthetic badge may be worn on the field EPV uniform.
2. When the cloth badge or synthetic badge is affixed to the garment, a cloth name tape or embroidered name is required to maintain uniformity, except that a metal badge may be worn on the EPV with the cloth name tape.

C. Metal nametag.

1. The metal nametag shall be worn with the following specifications:

- a. The metal nametag shall be gold in color for sworn officers and cadets. The metal nametag shall be silver in color for CSOs, CTOs, patrol technicians, volunteers, parking enforcement officers, and chaplains.
- b. The member's name will be formatted in standard block lettering. The lettering shall be engraved in blue to match the lettering on the badge. The nametag may have the member's full first name or only the first letter of the first name along with the member's full last name.
- c. A single star for each five years of service may be engraved on the nametag below the member's name.

D. Cloth name tape or embroidered name.

1. The cloth name tape, or embroidered name, shall be worn on the field BDU uniform, the field EPV uniform, and the standard uniform jacket.

2. Cloth name tape or embroidered name specifications:

- a. Black, cloth name tape with one-half inch standard military block lettering. The lettering shall be gold in color, matching the gold coloring found on the cloth badge and shoulder patches. The lettering shall be centered within the name tape.
- b. The name tape shall be placed above the officer's right pocket and measure the same length as the pocket from edge to edge. When available, the black name tape should be made of the same material as the garment upon which it is being placed to prevent fading.
- c. The employee's name embroidered directly onto the field BDU or field EPV shirt is also acceptable. The lettering shall be one-half inch, standard military block lettering and centered above the pocket. The lettering shall be gold in color, matching the gold coloring found on the cloth badge and shoulder patches.

E. Exceptions to name tape requirements:

1. California Penal Code 830.10 authorizes law enforcement agencies to choose the information disclosed on a uniform name tag: *Any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer.*
2. In lieu of a cloth name tape, personnel assigned to Mobile Field Force may wear a cloth identification tape (of the same specifications) bearing their rank and ARJIS identification number under any of the following circumstances:
 - a. During a Mobile Field Force event.
 - b. With authorization from the Incident Commander during any other type of event.

VI. LEATHER / NYLON EQUIPMENT

- A. Leather or synthetic leather equipment (utility belt, holster, magazine pouches, keepers, chemical agent holder, handcuff case, etc.) shall be of basket-weave design, 2 and ¼ inches in width, and black in color.
- B. Nylon or *Cordura* appearing equipment (utility belt, holster, magazine pouches, keepers, chemical agent holder, handcuff case, etc.) shall be black in color and shall all appear as similarly textured material. This equipment shall only be worn with the Field BDU or Field EPV uniforms.
- C. Nylon and leather equipment shall not be mixed on a utility belt. Nylon utility belts shall contain only nylon-textured appearing items.
- D. Magazine pouches shall consist of two fully enclosing pouches that hold at least two authorized magazines. “Open” style magazine pouches are authorized only for use with the field BDU or field EPV uniforms. They must have some type of retention and be approved by the Rangemaster.
- E. The handcuff case shall be fully enclosing when wearing the dress uniform. Open handcuff cases are acceptable for the field BDU or field EPV uniform, provided the case has retention.
- F. All snaps shall be silver or chrome in color when wearing the dress uniform.
- G. “Hidden” black snaps are permissible when wearing the field BDU or field EPV uniform. Mixing equipment of exposed silver snaps with hidden snaps is not permissible.

- H. The trouser belt shall be black, with a minimum width of one-inch and a maximum width of one-and-one-half inch. If leather, the belt shall have a side loop and chrome-like buckle. If nylon, the belt shall have a side loop and chrome-like or black buckle. If Velcro, no buckle is required.
- I. Holsters will be black, basket weave or nylon / *Cordura* textured in appearance. Authorized holsters will have a manual retention safety device to prevent the gun from unintended removal. The training manager will maintain a list of authorized holsters.
- J. Utility belt accessories such as mini flashlights, additional utility pouches, cellular phone cases, and other approved items may be worn on the belt. These items shall be black in color and shall match in texture with the utility belt (nylon or basket weave). Exceptions to this include metal or plastic holders specifically designed for the carried item. These accessories shall be black in color.

VII. SUPPLEMENTAL UNIFORM ITEMS

A. Footwear.

- 1. Footwear will be all black in color. Soles and heels will be neoprene or of a material resistant to oil, caustics, and acids. Soles and heels will be non-marking.
- 2. Dress uniform footwear specifications.
 - a. Dress uniform footwear will be all black in color, of a military style, and capable of receiving a reasonable shine, with a plain round or semi-pointed toe. Authorized styles include:
 - (1) Military style boots (similar to the Danner Acadia 8-inch boot). Boots will be of sufficient height to prevent trouser legs from catching on the boots.
 - (2) Shoes. Shoes may be either an oxford or a 6-inch to 8-inch high top with center lace. Shoes similar to a three-quarter inch high top shoes are also acceptable, provided they are of a military style in appearance.
- 3. Field BDU / Field EPV footwear specifications.
 - a. Footwear will be all black in color and of a military, tactical, or hiking style boot. Authorized styles include:
 - (1) Danner Acadia 8-inch boot (leather).

- (2) Viktos Johnny Combat Waterproof boot (canvas).
- (3) 5.11 A/T 8-inch boot (suede).
- (4) Merrell Moab 3 8-inch boot (hiking).
- (5) Salomon Quest 4D Forces boot (hiking).

B. Jackets.

- 1. The standard uniform jacket will be a black softshell style jacket. Authorized jackets include the following:
 - b. Flying Cross DutyGuard Full Zip jacket.
 - c. 5.11 Chameleon Softshell 2.0 jacket.
 - d. Blauer Lightweight Softshell jacket.
- 2. The *5.11 Tactical, "Response"* jacket with hidden I.D. panels is approved for use by Chaplains. The jacket shall be black in color with "POLICE CHAPLAIN" silk screened in gray under the rear hidden I.D. panel and "CHAPLAIN" silk screened in gray under the front hidden I.D. panel.

C. Foul Weather Gear.

- 1. Uniform raincoat and rain pants shall be of a durable material, yellow or black in color. The raincoat may be equipped with a hood.
- 2. Rain boots shall be calf length, black in color, rubber or other durable synthetic material.
- 3. The outer foul weather raincoat will display a cloth badge patch and shoulder patches.

D. Windbreaker "Raid" Jacket.

- 1. Officers shall be issued a black windbreaker-style jacket with a police emblem on the front and the word "POLICE" across the back.
- 2. The windbreaker jacket may only be worn by on-duty, non-uniformed, sworn personnel at any incident where identity as a police officer is necessary.

E. Headgear.

1. Uniformed personnel are expected to exercise good manners in removing their headgear in situations deemed appropriate.
2. Baseball Caps.
 - a. Members may wear Department issued black baseball caps with an approved police emblem (or other hats approved by the Department) and only when wearing the Field BDU or Field EPV Uniforms.
3. Watch Caps and Ear Warmers.
 - a. Members may wear an all-black military style watch cap during cold weather conditions and only when wearing the Field BDU or Field EPV Uniforms.
 - b. As an option, female members may wear a solid black headband style ear warmer to accommodate their hairstyle.
 - c. Officers shall use discretion while wearing watch caps or ear warmers so as not to appear unprofessional to the public.

VIII. SPECIAL ASSIGNMENTS

- a. Investigations Bureau. Personnel assigned to the Investigations Bureau shall wear attire as prescribed by the Bureau Captain.
- b. Professional Standards and Development Bureau. Personnel assigned to the Professional Standards and Development Bureau shall wear attire as prescribed by the Bureau Captain.
- c. Personnel assigned to the Traffic Division shall wear attire as prescribed by the Division Lieutenant.
- d. Tactical Operations Group. Personnel assigned to SWAT or the Emergency Negotiation Team shall wear attire as prescribed by their respective team commanders when working in a SWAT or ENT capacity.
- e. Other non-uniform items (polo shirts, t-shirts, baseball caps) may be authorized for wear at the discretion of the team commander or division commander (lieutenant or above).

IX. ORNAMENTATION AND OTHER INSIGNIA

- A. Service award medals may be worn only on the Dress Class A uniform shirt on the right breast pocket, centered just below the flap.
- B. The blue and yellow service stripe (hash mark) may be worn on the left sleeve of the Dress Class A and Dress Class B uniform shirt, with each service stripe representing five years of service.
- C. Accident investigation officers and motorcycle officers may wear the authorized patch for their respective assignment on both uniform sleeves below the Department patch.
- D. A maximum of two insignia pins may be worn on each uniform class (with an exception for TOG qualification pins).
- E. Insignia, award, or device pins may be worn centered above the cloth name tape when wearing the BDS Tactical Patrol Vest.
- F. The following insignia have been approved for wear on the dress uniform, field BDU uniform shirt, or field EPV vest:
 - 1. Award pins such as those given for Valor, Meritorious Service, Lifesaving, etc., shall be worn centered above the nametag. No more than two pins may be worn at a time on the uniform.
 - 2. FTO Pin. This pin shall be worn centered above the nametag or centered on the pocket flap.
 - 3. 10851 Pin. This pin shall be worn centered above the nametag or centered on the pocket flap.
 - 4. 23152 Pin. This pin shall be worn centered above the nametag or centered on the pocket flap.
 - 5. DRE Pin. This pin shall be worn centered above the nametag or centered on the pocket flap.
 - 6. American flag (or American flag with a United States armed forces flag). This pin shall be worn centered above the nametag.
 - 7. Any other insignia, award, or device pin shall be worn only upon approval by the Chief of Police.
- G. Tactical Operations Group qualification pins (SWAT, ENT, and K9) are authorized for wear by “active” and “legacy” team members as follows:
 - 1. The position above the nametag is the primary position. The primary position is reserved for:

- a. A current TOG pin for an active team member.
 - b. If the officer is no longer active on a team, a legacy pin for the team with the longest time in service.
 2. The position below the nametag, centered on the flap of the pocket, and to the left of the button, is the secondary position. The secondary position is reserved for:
 - a. A legacy pin from a previous team if the officer is currently assigned to another team.
 - b. If the officer is no longer active on any team, the team with the shortest time in service.
 3. The position below the nametag, centered on the flap of the pocket, and to the right of the button is the tertiary position. The tertiary position is reserved for a legacy pin from the team with the shortest time in service, if the officer served on all three TOG teams.
- H. Sergeants shall wear chevrons on both sleeves of all uniform shirts, jackets, etc. They will be blue in color, edged with yellow, on a black background.
- I. Officers at the rank of lieutenant or above will wear the appropriate rank insignia on each side of the shirt collar.
1. Lieutenant: Single gold bar.
 2. Captain: Two gold bars.
 3. Deputy or Assistant Chief of Police: Three gold stars.
 4. Chief of Police: Four gold stars.

X. PERSONAL APPEARANCE OF DEPARTMENT PERSONNEL

- A. While on duty, all personnel shall be neat and clean at all times. Clothes shall be clean and pressed, and uniforms shall be in conformity with specifications contained in this Instruction. Members shall regularly examine their equipment and keep it in good, clean, serviceable condition. Personnel shall comply with the grooming standards unless otherwise directed by proper authority due to a special assignment.
- B. Male Personnel
1. The hair shall be worn in a neat and professional style that does not include extreme styles. The hair shall present a neatly tapered or evenly

graduated appearance, shall not extend over the ears, and shall not extend over the shirt collar when the head is held at the position of attention. "Natural" hairstyles shall be no longer than two inches from any part of the head. Wigs and hairpieces must conform to the same code. In no event should the length of the hair or the style preclude the proper wearing of a helmet or gas mask.

2. Sideburns, if worn, shall not extend below the bottom of the ear. Sideburns shall be neatly trimmed. The bottom edge will be level when head is held at the position of attention and may not flare inward.
3. Neatly trimmed mustaches are permitted and shall be trimmed so as not to extend beyond the jawline. They shall be neatly tapered and will not have waxed points or edges.
4. Beards or goatees will be allowed. The base of the beard or goatee will be trimmed at the jawline and the length shall not exceed a half inch. The neck shall be shaved. In no event should the length of the beard preclude the proper wearing of a gas mask.
5. Necklaces may be worn on a chain long enough to not be visible with an open collar shirt. Male officers shall not wear earrings. Rings shall be kept to a maximum of two. Any other forms of visible jewelry or ornamentation are generally prohibited. This does not apply to the wearing of a single wristwatch or medical ID bracelet.

C. Female Personnel

1. The hair shall be worn in a neat and professional style that does not include extreme styles. Hair shall be worn so as to not hang below the top of the shoulder, to include ponytails, wigs, or hairpieces. Hair ornaments, such as barrettes or other hair control devices, shall be black or navy blue in color and inconspicuous. In no event should the length of the hair or the style preclude the proper wearing of a helmet or gas mask.
2. The use of facial makeup shall be conservative; excessive use of makeup is not acceptable. Fingernails may be colored or decoratively designed, but shall not be so long as to interfere with assigned duties.
3. Necklaces may be worn on a chain long enough to not be visible with an open collar shirt. Earrings shall be limited to one pair and shall be plain, stud-type, and gold or silver in color only. Rings shall be kept to a maximum of two. Any other forms of visible jewelry or ornamentation are generally prohibited. This does not apply to the wearing of a single wristwatch or medical ID bracelet.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 05-18-21	NO: 1.2B ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: EQUIPMENT AND WEAPONS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.2B Administration, dated December 23, 2020.

I. SAFETY EQUIPMENT

- A. All safety equipment will be issued by the Police Department. "Safety equipment" includes all issued items by the Department. These include duty firearms, ammunition, holsters, magazines, soft body armor, helmet, handcuffs, baton, Taser, badge, flashlight, utility belt and support equipment, chemical agent sprays, identification card, rain gear, etc. Officers may opt to purchase their own safety equipment upon the approval of the Training Manager or his/her designee.
- B. All officers, patrol technicians, CTOs and CSOs shall maintain all safety equipment issued to them in good working order. They shall make this equipment available for inspection upon request. City owned safety equipment shall be returned upon termination of employment or when ordered to do so.

II. REQUIRED WEAPONS, EQUIPMENT, AND DEPARTMENT IDENTIFICATION

- A. On-duty uniformed officers, except when assigned to office duties or special details, shall at all times wear a utility belt and holster, firearm and ammunition, chemical agent, baton, Taser, badge, identification card, handcuffs and, as necessary, an authorized flashlight. Uniformed officers assigned to office duty shall carry a Department-approved firearm, spare magazine, and handcuffs.
- B. Saps and sap gloves are expressly prohibited.
- C. A folding knife of reasonable size, utility knife, "Leatherman" utility tool, etc., may be carried on the belt in an appropriate pouch, or inconspicuously in a pocket.
- D. While on duty, officers in civilian clothing shall, unless otherwise directed by proper authority, carry their badge, handcuffs, identification card, firearm, and spare ammunition. Chemical agents, Taser and the straight expandable baton may be carried at the option of the officer. Officers and detectives who carry an expandable baton are required to have their 24" side-handle baton in their vehicle at all times (see Department Instruction 1.27 Use of Baton for additional information).
- E. While on duty and assigned to the field, Uniform Bureau sergeants, uniformed officers, patrol technicians, CTOs and CSOs shall wear Department-issued soft body armor. Personal body armor may be worn in lieu of Department-issued armor

if it meets or exceeds the threat-level protection provided by the Department-issued armor and is approved by the Training Manager.

- F. While off duty, officers shall carry, or have in their immediate possession, their badge, and identification card when carrying a firearm. The carrying of a firearm while off duty shall be at the option of the officer. Prior to the time any firearm is carried off duty, the Range Master must inspect and certify it as safe, and the officer must qualify with that weapon annually.
- G. Detectives and plainclothes personnel shall carry their Department-approved duty handgun, spare magazine, and handcuffs on their person when on duty. They will wear their badge either on their belt directly in front of their handgun or on the center of their chest if their handgun is exposed to public view. They will have their side handle baton, Taser and chemical agents available in their vehicle.
- H. Officers may carry flat badges as prescribed by the Department. Flat badges shall be turned in with other Department property at the time of separation, and the officer shall be reimbursed, in relation to the condition of the badge, up to the initial cost. The Chief of Police, at his/her discretion, may allow an officer to keep his or her flat badge.

III. FIREARMS

- A. All handguns and ammunition carried on duty, including personal hideout weapons, must be inspected and approved by the Range Master. All armed personnel shall attend every weapons qualification and participate in regular firearms training as directed and scheduled by the Department. Administration personnel must qualify with their assigned weapons annually.
 - 1. On-duty uniformed personnel shall carry a Department-issued handgun or a personally owned handgun upon approval of the Range Master. The handguns will be carried with the Department-issued detachable light or a personally owned detachable light unless authorized by the Training Manager. On-duty officers must have a round in the chamber and all magazines must be fully loaded.
 - 2. On-duty plainclothes personnel shall carry a Department-issued handgun or a personally owned handgun upon approval of the Range Master. It is optional for plainclothes personnel to carry the light.

Officers may opt to carry a different make and model of handgun for duty use provided it is in .38/.357 Magnum, 9mm, .40 or .45 caliber, they have filled out the Personal Weapon Approval Form, the form has been approved by the Range Master and Bureau Commander and the officer has qualified with the weapon. It will be the officer's responsibility to provide his/her own spare magazines (3 total for high capacity weapons and 5 total for standard capacity weapons), holster and forend light.

Other weapons or calibers not mentioned above may be carried as a primary duty weapon when special circumstances dictate. Written permission indicating the reason for the request will be required. The officer's sergeant, lieutenant, and Bureau Commander must approve the request. This authorization will be reevaluated yearly or sooner if supervision or circumstances change. This authorization does not affect an officer's ability to carry a backup weapon.

Plainclothes personnel who carry a different weapon, authorized as outlined in this section, will be required to qualify with that weapon and their Department-issued weapon at every scheduled qualification. If a plainclothes officer is granted permission to carry a different caliber handgun as his or her primary duty weapon, he or she will be required to purchase his or her own ammunition for qualifying and duty purposes. This ammunition will be of the same brand and type as is provided as duty ammunition.

3. Holsters – Uniformed officers must wear either the Department-issued holster or one approved by the Training Manager.
 - a. Plainclothes officers must use either a Department-issued holster, or one approved by the Training Manager. All plainclothes holsters must have a device securing the weapon into the holster, unless involved in an undercover assignment requiring a more covert holster.
4. Back-up Weapon – Officers who wish to carry an additional weapon shall carry the firearm completely concealed in a secure location on the officer's person. Back-up firearms, locations, and methods of carry must be approved by the Range Master. Officers shall purchase their own back-up weapons and ammunition. No reloaded ammunition may be carried in any Department-issued or approved weapon.
5. Ammunition – All duty ammunition carried on duty in all issued firearms shall be of a caliber and design approved by the Range Master and the Training Manager. This includes additional ammunition carried on the officer's person, equipment cases, and magazines.
6. Maintenance – Each officer is responsible for all equipment assigned to his or her unit. He or she shall have all assigned weapons cleaned and oiled at all times.
7. Weapon Security On Duty – Safe handling of firearms is required at all times. At no time should any firearm be left unattended. Department lockers and desk drawers containing firearms shall be kept securely locked.
8. Weapon Security Off Duty - While off duty, officers shall comply with Penal Code Sections 25100 and 25140 (criminal storage of firearms). Officers must

keep loaded firearms secured in a locked container or with a locking device that prevents the firearm from functioning anytime it is likely that children under the age of 18 may gain access to the weapon.

9. Weapon Unloading – The loading and unloading of an officer's firearm should always be done in a safe manner. When loading or unloading their service weapons, back-up weapon, or any other firearms at the police station, officers will use an approved loading/unloading chamber located throughout the building (i.e., outside the armory, inside the locker rooms, in the Impound Room, etc.). When loading or unloading any firearm in the field, the weapon shall be pointed in a safe direction to eliminate the possibility of a stray round striking anything other than the ground immediately in front of the officer. Officers should be aware that any hard surface might cause a skipped round.
10. All loaded firearms coming into the possession of any member of the Department shall be unloaded immediately upon receipt, unless required in such loaded condition as evidence. Officers who are unfamiliar with a particular firearm should first consult with a supervisor or armorer prior to attempting to unload the weapon.
11. Firearms or any Department-issued weapons shall not be carried by any officer on or off-duty when the officer has consumed alcohol or any prescription or non-prescription drug that adversely impairs the officer's senses or judgment. (Refer to EPD Rules of Conduct 1.36 and 1.37 for further details).

Reserve officers who carry a firearm off-duty shall not consume any alcoholic beverages or be under the adverse or inhibiting influence of any medication or drug (see D.I. 1.45 CCW Procedures for Reserve Officers When Off Duty).

IV. SHOTGUNS AND RIFLES

The following section establishes policy regarding the maintenance, inspection and use of Departmental shotguns, the Department-issued rifles, and special weapons. Special weapons are those exclusively utilized by SWAT.

A. Inspection of weapons before going on duty:

1. All uniformed officers and sergeants will be issued a Remington 870 Shotgun and an AR15 type Patrol Rifle along with all accessories approved by the Range Master.
2. Officers may opt to carry their own shotgun or patrol rifle. The shotgun must be a Remington 870 in .12 gauge. The Patrol Rifle must be an AR15 type in 5.56mm caliber and the officer will be responsible for providing all accessories required by the Range Master. All personal duty weapons, holsters, magazines and magazine pouches must be approved by the Range Master and Bureau

Commander via a Personal Weapon Approval Form prior to being used on duty.

3. Before going on duty, each officer will conduct a thorough examination of the condition and cleanliness of his or her unit's shotgun and/or rifle.
4. Every officer will make sure the shotgun or rifle is in the proper loaded condition (see B. 2 below).
5. He or she will check the electric locking mechanism holding the weapon and make sure it is working properly.

B. Storage of Shotguns and Rifles in Vehicles:

1. Officers will not carry shotguns or rifles in or on any part of their vehicle while on routine patrol, other than in the locking device installed in the car. When the police vehicle does not have a locking device, the shotgun or rifle will be carried in the locked trunk. If weapons are stored in the vehicle's trunk, the trunk will be secured with an internal locking device such as a chain and lock or a remote cable lock.
2. Shotguns are to be stored with the safety on, an empty chamber and the hammer forward (trigger pressed). The AR15 rifle will be stored on an empty chamber, hammer back (cocked) and the safety on with a loaded magazine inserted.
3. Only Department-issued shotguns, rifles, and special weapons may be carried in police vehicles unless the officer is approved to carry personally owned weapons for duty use. Other personally owned weapons may be carried in police vehicles if needed for training purposes.
4. Prior to deployment in the field, all accessories for Department-issued weapons must be approved by the Department's Range Master via the Personal Weapon Approval Form or in the case of SWAT weapons, the SWAT Commander.
5. Motor officers will carry their rifle in a locked side case, which is securely attached to the motorcycle.

C. Use of Shotguns or Rifles:

1. Generally, the shotgun or rifle may be removed from the vehicle/motorcycle in cases where a felony is believed to be in progress or when a threat to human life is involved. Exceptions to this may include conducting a weapon inspection, euthanasia of an injured animal, and removal for vehicle maintenance or storage.

2. Officers will chamber a round in their shotgun or rifle when appropriate for the circumstances. After chambering a round, officers will put the weapon on safe until they are ready to fire the weapon.

V. SWAT

- A. SWAT team leaders may assign weapons to SWAT personnel to carry in their police vehicles. SWAT officers who keep special weapons in their trunks shall have an internal locking device on the trunk such as a chain and lock or a remote cable lock.
- B. SWAT special weapons may be deployed in the field in those extraordinary situations where there is an immediate need of superior weaponry or long range precision shots, and in accordance with SWAT weapons training, Department Instructions, and the law.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 07-22-21	NO: 1.3 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: SERVICE AWARDS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.3 Administration, dated December 23, 2020.

I. PURPOSE

To adopt a Service Awards Program and Procedure designed to give official recognition to heroic, meritorious, or commendable actions by sworn, non-sworn, and police auxiliary employees; as well as to give formal recognition to deserving citizens who assist police officers in the performance of their duties.

II. CLASSES OF AWARDS

A. Medal of Valor

Awarded to an employee who displays great personal courage in the pursuit of a worthwhile objective, fully knowing that he or she is placing himself or herself in imminent peril of loss of life or great bodily injury.

This award consists of a medal, shirt bar, and certificate.

B. Meritorious Service Award

Awarded to an employee who displays exceptional dedication to duty in pursuit of a worthwhile objective that requires courage and is knowingly done with risk of injury.

This award consists of a medal, shirt bar, and certificate

C. Lifesaving Medal

Awarded to an employee who saves a life by direct action performed under conditions requiring bravery or exposure to danger or by performance above and beyond the normal call of duty. Recommendations for this award should usually be accompanied by medical or eyewitness testimony.

This award consists of a medal, shirt bar, and certificate.

D. Lifesaving Citation

Awarded to an employee who saves a life by direct action, such as mouth-to-mouth resuscitation, and need not be performed under conditions requiring

courage or exposure to danger. Recommendations for this award should usually be accompanied by medical or eyewitness testimony.

This award consists of a certificate and will be awarded to the officer who identifies the problem and initiates the lifesaving action.

E. Exceptional Performance Citation

Awarded to an employee for exceptional, outstanding, or unusual performance of duty that is significantly beyond that normally expected and may be based on a single act or exemplary work over an extended period of time.

This award consists of a citation.

F. Commanding Officer's Citation

Awarded to an employee for performance that is well above average and demonstrates either courage, devotion to duty, alertness or other aptitude for police work, or a continuing desire to perform public service.

This award consists of a citation

G. Promotional Recognition Certificate

Awarded to any employee who promotes in rank, or position, and shall consist of a certificate. This certificate shall be presented during a promotional ceremony.

H. Stolen Vehicle Recovery (CVC 10851) Pin/Certificate

Awarded to a Uniform Bureau officer who, during a 12-month period, accomplishes any one of the following criteria:

1. Makes six separate stolen vehicle in-custody arrests.
2. Recovers a total of 12 stolen vehicles, of which a minimum of three must be rolling stolens.
3. Develops information that results in the identification of a theft ring(s), the subsequent arrest of two or more suspects, and the recovery of at least ten vehicles.
4. The Stolen Vehicle Recovery pin or certificate will be awarded after a record of the qualifying incidents, verified by case numbers and CAD histories, are submitted by the eligible officer to the awards committee for confirmation.
5. The awards committee will be responsible for tracking officers who have completed the above noted record and are eligible to receive the 10851 pin or certificate. The awards committee will order the pins or certificates

through the Office of the Highway Patrol. The 10851 pin or certificate will be awarded at the Department's annual awards ceremony.

- a. Pins are awarded by the California Highway Patrol for the following intervals:
 - 1) White Pins - 1st through 4th awards only.
 - 2) Blue Pins - Master Level Awards are given for the 5th, 10th, 15th and 20th awards only.
 - 3) Gold Pin – Lifetime Achievement Award is the 25th award.
- b. All other intervals will receive a certificate.

I. Cal-ID Pin

Awarded to Department personnel who collect fingerprints from five separate incidents, which all produce a positive identification. The crime lab supervisor will be tasked with tracking positive identifications, preparing a memorandum of eligible employees, forwarding the information to the awards committee and ordering Cal-ID approved pins in conjunction with a Department commendation, which will be prepared by the crime lab supervisor.

J. CVC 23152 - DUI Pin

The 23152 Pin will be awarded to officers who produce 25 or more DUI arrests in a 12-month period. The arrests will be calculated from January 1st to December 31st. These awards will be tracked by the awards committee and provided to MAAD for final approval. The DUI pin will be awarded at the Department's annual award ceremony.

K. 11550 Officer of the Year

Awarded to the Uniform Bureau officer with the most arrests for HS 11550(a) during a 12-month period.

L. Annual Awards

The following awards are selected from nominations submitted annually to the Awards Committee. They are awarded at the Department's annual award ceremony in the form of an award plaque.

1. Auto Theft Officer of the Year
2. Cadet of the Year

3. Civilian Employee of the Year
4. Dispatcher of the Year
5. DUI Officer of the Year
6. 11550 Officer of the Year
7. Officer Laura Award
 - a. This award is chosen by the Field Training Officers and is given to an entry-level probationary officer who, upon completion of FTO training, consistently demonstrates the qualities and character of Officer Laura.
8. Officer of the Year
 - a. Sergeants, Detectives, and Officers are eligible.
9. Civilian Employee of the Year
 - a. This award is given to one non-sworn employee in each of the following bureaus:
 - 1) Uniform Bureau
 - 2) Investigations Bureau
 - 3) Services Bureau
10. Reserve Officer of the Year
11. Volunteer of the Year

III. POLICY

- A. Medals may be worn only on formal occasions with the class "A" uniform and must be worn on the right breast pocket centered just below the flap.
- B. Shirt bars may be worn with the uniform at all times and will be worn centered just above the nameplate. Only one shirt bar in each class will be worn. However, additional medals and shirt bars will be presented for subsequent awards. Civilian uniformed employees shall wear the shirt bar centered just above the nameplate.

The Stolen Vehicle Recovery pin may be worn on the duty uniform centered on the shirt pocket directly below the nameplate.

- C. The same medal will be used for Valor, Meritorious Service and Lifesaving with an engraved bar denoting the particular class. Recipient's name will be engraved on the fastening clasp.
- D. Certificates for the first five classes will be on parchment paper. The sixth class, Commanding Officer's Citation, and the Stolen Vehicle Recovery Certificate will be on bond paper.
- E. Shirt bars will be identical to the engraved bars on the medals and will be fastened to the spring-loaded, flat, back clasps.
- F. Medals will be ordered through the Department's Executive Assistant. The current supplier for the Department is Bock Awards, 9340 Hazard Way, Suite A3, San Diego, CA 92123, phone: (858) 560-8300.

IV. PROCEDURE

- A. The Commanding Officer's Citation and the Exceptional Performance Citation will be awarded upon the written recommendation of a supervisor. The written recommendation will be forwarded through the office of the Chief of Police, via the chain of command for tracking purposes, to the lieutenant in charge of the Department Awards Committee. The recommendation will be reviewed by the committee and returned via the chain of command. Once approved, the award will be presented at the officer's briefing.

All other award recommendations will be submitted to an awards committee for review.

- B. An awards committee will be appointed by the Chief of Police. The committee will consist of one captain, one lieutenant, three sergeants, and a POA representative. At least one of the sergeants will be from the Patrol Bureau and one sergeant will be from the Investigations Bureau.
- C. All supervisors should report any incidents which merit consideration and should recommend a class of award. Recommendations must be accompanied by all supporting documents.
- D. Awards may be presented at daily briefings, specially designated awards ceremonies, or at City Council meetings. An annual in-house awards ceremony will be held to commemorate awards presented for the year. The Chief of Police will approve the time and place.
- E. Officers receiving an award at a formal occasion outside the Department, such as at a Council meeting, are to appear in a Department class "A" uniform. Civilian employees are to appear in appropriate civilian attire.

V. RECOMMENDATIONS TO OTHER ORGANIZATIONS

Throughout the year, the Department receives announcements of local, state and federal commendations. As these announcements are received, they shall be tracked and forwarded to the lieutenant in charge of the Department's Awards Committee, through the office of the Chief of Police.

The Awards Committee will seek nominations as approved by the office of the Chief of Police after a review of the announcement.

VI. AWARDS FOR CITIZENS

A. Classes of Awards

1. Letter of Recognition

Any citizen identified as being deserving of an award for assisting police officers performing their duties, assisting victims or coming forward as a witness, or through crime prevention efforts to help prevent a crime will receive a letter of recognition from the Chief of Police. Those citizens receiving letters will also be eligible for the Certificate of Appreciation.

2. Certificate of Appreciation

A Certificate of Appreciation will be awarded to citizens who perform an exceptional service to the Department, to a fellow citizen or to the community. This award will be made on parchment paper and is in addition to the letter of recognition.

3. Partnership Award

The Partnership award is special recognition from the Chief of Police to people or organizations that made a significant contribution to the Department's efforts toward enhancing the community. This award will be made on an award plaque.

4. Chief's Special Recognition

The Chief's Special Recognition is an award from the Chief of Police to an individual, group, or organization. This award will be made on an award plaque.

B. Procedure

Any officer may initiate a recommendation, through the chain of command, to the Chief of Police, (or) via the Awards Committee for recognition of a deserving citizen. This recommendation must include an accurate account of

the citizen's action and the suggested award. All citizens recommended will receive a letter from the Chief.

Those citizens performing exceptional service will be presented with a Certificate of Appreciation by a commanding officer.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 09-05-24	NO: 1.5 ADMINISTRATION
TO: ALL SWORN PERSONNEL	SUBJECT: USE OF FIREARMS: REPORTING AND INVESTIGATION OF SHOOTING INCIDENTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Instruction 1.5, dated October 20, 2021. Also see Department Instruction 1.2B, Equipment and Weapons, Department Instruction 1.24, Use of Force and Use of Force Review Committee, and Department Instruction 1.45, CCW Procedures for Reserve Officers When Off Duty.

I. PURPOSE

To establish Department policy on the use of firearms, and the reporting and investigation of shooting incidents involving officers of the Department.

The Department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.

II. DEFINITION

Armed personnel: Includes all sworn officers (on or off duty), on-duty level I/II reserve officers, paid reserve officers, on-duty detention officers and any other personnel authorized to carry a firearm in the performance of their duties. The term “officer” as used in this Department Instruction also includes armed personnel.

Deadly Force: Means any force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

III. AUTHORIZED PERSONNEL

All on-duty sworn personnel, level I/II reserve officers, paid reserve officers and detention officers, shall be armed when working in the field. SWAT Medics with a valid Carry Concealed Weapon (CCW) permit are authorized to be armed during SWAT activations. Those assigned to administrative duties in the station are not required to be armed while in the station.

Detention officers shall comply with the law applying to citizens while off duty unless otherwise authorized by the Chief of Police or due to prior law enforcement experience to carry a concealed weapon while off duty. Refer to D.I. 1.45 for carrying concealed weapons (CCW) requirements for off-duty reserve officers.

Off-duty sworn personnel are not required to be armed, but shall comply with the requirement to carry badge and I.D. card while armed (1.2B Equipment and Weapons, II.F).

IV. TRAINING

- A. All armed personnel shall attend every weapons qualification and participate in regular firearms training as directed and scheduled by the Department. Each officer is required to qualify at every Department shoot and, failing to do so, will receive continual extra training until qualified.
- B. If armed personnel fail to attend a regularly scheduled weapons qualification, they shall inform their supervisor and the Training Manager as to the circumstances of the missed qualification, and shall attend a make-up qualification as soon as practical.
- C. Upon returning to full duty from an extended absence (light duty, protected leave, military leave, etc.) where a scheduled weapons qualification was missed, armed personnel shall complete a qualification prior to returning to service.
- D. Administrative personnel are required to qualify annually.
- E. SWAT Medics are required to qualify with their weapons during every SWAT qualification shoot.
- F. Armed personnel must qualify with their duty weapons. Plain-clothes personnel who have exercised the prerogative of carrying a different weapon (1.2B Equipment and Weapons, III.2) will be required to qualify with that weapon.

V. AUTHORIZED USE - POLICY

- A. It is the policy of the Escondido Police Department that armed personnel shall use a firearm when they reasonably believe, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
 - 1. To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
 - 2. 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.
- B. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves 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.

- C. A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
- D. Officers should consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.
- E. Good security and safe handling of firearms are required at all times. Department lockers and desk drawers containing firearms shall be kept securely locked.
 - 1. Officers shall not display their firearms nor draw them in any public place except for necessary inspection or actual use, nor shall a firearm be carelessly left unattended.
 - 2. All loaded firearms coming into the possession of any member of the Department shall be unloaded immediately upon receipt, or when safe to do so, unless required in such loaded condition as evidence.
- F. A firearm shall be drawn or displayed only under one of the above conditions or under circumstances that are recognizable by the officer as being potentially dangerous.
- G. Guidelines in Specific Situations:
 - 1. Warning or Attention Shots
 - a. Shots fired into the air or ground in an attempt to cause a fleeing suspect to stop or surrender present a danger to the officer and innocent persons, and are prohibited.
 - b. In extremely rare and extraordinary situations where the safety of the officer or another person is involved, the firing of a warning or attention shot may be permissible. Example: An officer, or innocent person(s) or prisoner(s) are threatened with attack by persons engaged in a riot. As a last resort, the firing of a warning shot may be permissible in an attempt to stop the threatened attack.
 - 2. Moving Vehicles

Firing at or from moving vehicles is generally prohibited. Experience shows that such action is rarely effective and is extremely hazardous to innocent persons. Only in extremely rare and extraordinary situations is such action justified. Extremely rare and extraordinary situations are those that necessitate the use of a firearm as the ultimate measure of defense of self or another when the suspect is using deadly force.

3. Dangerous or Injured Animals

Killing a dangerous animal or one that is so badly injured that humanity requires its removal from further suffering, and other disposition is impractical, or an animal endangering the performance of a K-9 dog or handler, is permissible.

4. Firearms as Clubs

Firearms are not designed or intended for use as clubs and are not to be used to strike another person. Their use as such is generally prohibited.

VI. MEDICAL ATTENTION

Officers are required to promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so.

VII. REPORTING REQUIREMENTS

A. Accidental Shooting Incidents Not Involving Death or Injury

1. Armed personnel, whether on or off duty, who unintentionally discharge a firearm, except on a target range or during a recreational event shall:
 - a. Report the incident immediately to their supervisor and Watch Commander; and
 - b. As soon as practical, submit a written report to the Chief of Police, through established channels, prior to the conclusion of their current tour of duty.
 - c. If the incident occurs in another law enforcement jurisdiction, and was either intentional or resulted in the property damage of another person/entity, the Watch Commander will determine if that law enforcement agency shall be notified regarding the discharge.
2. Investigation by a Command Officer:
 - a. When appropriate, the discharge of firearms shall be investigated personally by the on-duty command officer of the member involved. If the discharge occurs when there is no command officer on duty in the division to which the member is assigned, the ranking command officer then on duty shall personally conduct the investigation when notified that the discharge of firearms has taken place.

- b. Notify the Investigations Lieutenant, who shall consider a further investigation by COV Investigators if appropriate.
- c. After conducting a thorough investigation of the circumstances attending the discharge of firearms, the command officer shall submit a detailed written report of the results of the investigation to the Police Chief through channels.

The report shall also contain the observation and conclusions of the command officer as to whether the discharge was justified and in accordance with this order.

B. Accidental Shooting Incidents Involving Death or Injury

- 1. If an accidental shooting incident results in death or injury to any person, the Watch Commander shall immediately notify the following (in order listed):
 - a. The Lieutenant in charge of the Investigations Division
 - b. The Captain of the Uniform Bureau
 - c. The Chief of Police
 - d. A representative of the City Attorney's Office
 - e. Peer Support Team

Note: The names and phone numbers of the persons to be notified shall be maintained on the current Department telephone roster.

- 2. The ranking officer responding to the shooting incident shall be responsible for the control of the situation and should isolate the officer(s) involved as soon as possible. Release of information or statements regarding the incident shall be the responsibility of the supervisory personnel assigned to investigate the shooting incident. Until such time as the officer(s) have been interviewed by the criminal investigators of the incident, psychologists, peer counselors, etc., shall not discuss the incident with any of the officers involved. The officers involved shall not discuss the incident among themselves. This does not preclude peer counselors from attending to the involved officers' needs, such as waiting with them and providing support and comfort until such time that investigators are able to conduct interviews. This care is exercised in the handling of involved officers to minimize post-shooting trauma.
 - a. The field sergeant shall:
 - (1) Review and confirm containment of the area.

- (2) Assign officer to control entry and maintain log.
 - (3) Ensure no disruption of any evidence occurs.
 - (4) Have a listing made of licenses of all vehicles in the general area.
 - (5) Locate, identify and isolate any available witnesses.
 - (6) Assign an officer to be with the suspect at all times.
 - b. Officer Injury
 - (1) A patrol officer will be assigned by the field sergeant to accompany any injured officer to the hospital.
 - (2) Notification of the family of the officer will be done, whenever possible, by the officer involved.
 - (3) The watch commander will arrange for transportation of family members.
3. Escondido Police Investigations will conduct the investigation and:
- a. Will interview witnesses and police officers concerning the crime or incident in preparation of the case.
 - b. Will serve as liaison between the Escondido Police Department and the San Diego District Attorney's office during the investigation and provide a briefing of the circumstances of the incident.
 - c. Will make any notification to the San Diego Coroner's office and serve as liaison between the Escondido Police Department and the Coroner's office during the investigation.
 - d. Will assign a detective to attend any related autopsies.
 - e. Any interviews of suspects/victims of the incident concerning their involvement in the commission of a crime will be conducted by Escondido Police Department detectives prior to the San Diego District Attorney investigators interviewing the suspect/victim.
 - f. Encourage the officer to call and notify his/her family.

- g. The weapon involved and ammunition will be obtained and placed into the property room. Depending on the circumstances particular to each incident, evidence in the personal possession of the involved officer (i.e., other weapons, holster, duty gear) shall be turned over as soon as practical to a supervisor or to the designated case investigator.
 - h. The involved officer will be issued a Department weapon and other necessary equipment while examination of the equipment involved is conducted.
 - (1) If the officer is incapacitated at the time of the incident, the weapon and equipment will be issued as soon as the officer is released to return to duty.
 - (2) When a Department-owned weapon is issued, all attempts will be made to issue a weapon which is similar to the weapon involved.
4. Final Review of Police Reports
- a. All original reports will be routed directly to the Investigations Division for assemblage, correlation and final approval.
 - b. All reports, photographs, diagrams and tape transcriptions will be copied and sent to the District Attorney's office.
5. Officer Recovery Release Time
- a. Recognizing each shooting incident is unique, emotionally traumatic and stressful for the officer directly involved, the release time from duty will be:
 - (1) Minimum of two days' reassignment to appropriate duty, or paid leave of absence.
 - (2) Include mandatory visit with Department approved psychologist/psychiatrist before returning to full duty.

VIII. SHOOTING REVIEW BOARD (SRB)

- A. Within two weeks after an OIS, the Captains shall convene to discuss the incident and determine if there is a need to address any immediate training, policy and/or equipment issues prior to the completion of the SRB.

- B. The Shooting Review Board (SRB) shall analyze each discharge of a firearm that results in death or serious bodily injury to any person and shall submit a report to the Chief of Police for review. Discharges of firearms that do not result in death or serious bodily injury may be referred to the Use of Force committee.
- C. The SRB's primary goal is to assist the Chief of Police in learning from each shooting incident, and then applying those lessons throughout the Department.
- D. The SRB shall also make recommendations for the modification of any Department policy and shall make recommendations concerning training necessary for the effective implementation of such policy.
- E. The Chief of Police shall maintain records of each SRB review and any actions taken in response in accordance with City Records Management policy.
- F. The Chief of Police may request a Shooting Review Board be conducted for firearm less lethal deployments and any other firearm usages deemed appropriate.
- G. The SRB is an ad hoc committee comprised of the following members:
 - 1. A Captain appointed by the Chief of Police to chair the Shooting Review Board.
 - 2. The Lieutenant of the Criminal Investigations Division.
 - 3. The supervisor of the involved officer.
 - 4. The Training Manager and/or the supervisor of the Firearms Training Unit.
 - 5. A representative from the City Attorney's Office.
 - 6. Any other personnel at the discretion of the Chief of Police.
- H. The Chief of Police should initiate an SRB immediately following the District Attorney's completion of their shooting review, or within 90 days of a shooting that did not involve personal injury or death.
- I. Evaluation of Department Policy Compliance
 - 1. The SRB report shall include findings addressing whether or not the shooting was within Department policy and recommendations for any changes in Department policy, practice, or training.
 - 2. The Chief of Police will be responsible for addressing the final recommendations of the SRB in writing at the conclusion of the SRB document.

IX. STATEMENT OF UNDERSTANDING

- A. The management of the Escondido Police Department and the Police Officers' Association agree and understand that a shooting incident is a traumatic event and often results from unpredicted and spontaneous incidents. Officers involved are often required to make an instant decision under difficult circumstances which will be the subject of a consequent careful and thorough examination by the public, the Escondido Police Department, the District Attorney, and other concerned citizens or agencies. It is agreed that a shooting incident exposes an officer to administrative, civil and criminal legal action. To that end, the Escondido Police Department encourages and will actively encourage reasonable legal services be rendered to any officer involved in a shooting incident.
- B. The Escondido Police Department will do all things possible to assist officers involved in a shooting incident.

X. SHOOTING INCIDENTS INVOLVING DEATH OR INJURY - INTER-AGENCY POLICY FOR AGENCIES NOT INCLUDED IN THE SAN DIEGO COUNTY OIS MOU

This policy statement is not inclusive. It is recognized that exceptional circumstances may arise that will require deviation from this policy. In such cases, flexibility and common sense must prevail.

When a law enforcement officer from an agency other than San Diego PD, Harbor PD, San Diego County Sheriff, San Diego Probation, Carlsbad PD, San Diego Community College PD, Chula Vista PD, SDSU PD, Coronado PD, San Diego Unified School District PD, El Cajon PD, UCSD PD, La Mesa PD, Escondido PD, National City PD, or Oceanside PD is involved in a shooting resulting in any injury or any other use of force incident wherein grievous injury or death results, primary investigation of the incident shall generally be conducted by the agency within whose service areas the incident occurred. The agency which employs the officer involved, or other designated investigating agency, may conduct a concurrent criminal investigation of the incident. Concurrent criminal investigations shall be conducted jointly, with full participation by designated investigators from the agencies involved. Administrative investigations shall be handled in a similar manner, taking into consideration the laws governing the sharing of such information between administrative and criminal investigations. Any information or reports developed by an investigator shall be made available to all agencies as needed and permitted by law. Such investigations shall take into account all laws governing the sharing of information generated during the course of criminal and administrative inquiries.

Documentation of shooting incidents resulting in any injury and other incidents involving the use of force which results in death or grievous bodily injury shall be submitted to the appropriate prosecuting agency for review.

Officer(s) Involved

Officer(s) involved in the use of force and officer(s) identified as key witnesses shall be removed from the scene as soon as possible to the nearest mutually acceptable law enforcement facility that logistically affords the ability to separate witnesses, where investigative procedures may be properly conducted, and which affords a reasonable degree of personal comfort and privacy for parties involved.

Until such time as the officer(s) have been interviewed by the investigators of the incident, psychologists, peer counselors, etc., shall not discuss the incident with any of the officers involved. The officers involved shall not discuss the incident among themselves.

Scene

The ranking officer of the agency involved in the incident not directly involved in the use of force is responsible for securing the scene. This individual shall cooperate fully with follow-up investigators and advise them of:

- A. The extent to which the scene has been stabilized.
- B. The location of known items of evidence and their location.
- C. The location of involved officers and witnesses.
- D. The basic facts surrounding the incident.

Evidence

Evidence shall not be unnecessarily moved or altered. Evidence in the personal possession of involved officers (i.e., weapons) shall be turned over as soon as practical to a supervisor of the employing agency or the primary investigating agency if agreeable.

XI. INTENTIONAL SHOOTING INCIDENTS INVOLVING DEATH OR INJURY AND OTHER DEADLY FORCE INCIDENTS - INTER-AGENCY POLICY FOR AGENCIES INCLUDED IN THE SAN DIEGO COUNTY OIS MOU

MEMORANDUM OF UNDERSTANDING

March 7, 2022

Countywide Protocol for the Investigation and Review of Officer-involved Shootings and Other Deadly Force Incidents

WHEREAS the law enforcement agencies of San Diego County recognize the need for transparent and independent criminal investigations and reviews of all peace officer-involved shootings, use of force incidents resulting in death, and "in custody" related deaths occurring outside of the jail

setting, these agencies have a desire to cooperate to achieve this goal with this Memorandum of Understanding (MOU).

NOW, therefore the signatories to this MOU agree and consent to the investigative and review responsibilities described herein.

PURPOSE AND SCOPE

The purpose of this agreement is to conduct independent investigations, provide consistency in inter-agency investigations within San Diego County and outline the circumstances for conducting criminal investigations and independent review of all law enforcement related:

- a. Discharges of a firearm (excluding discharges that are deemed unintentional, training related, or conducted during the euthanization of an animal)
- b. Deadly force incidents that result in serious bodily injury or death

This agreement applies solely to criminal investigations and does not address or impact an agency's ability to conduct their own concurrent or subsequent investigation for administrative or civil litigation purposes.

This agreement is not intended to transfer investigative responsibility for all deaths occurring in a custodial setting. Deaths in a County Custodial setting will only be investigated in accordance with this agreement when they are the apparent result of a use of force by an officer, deputy, or custodial staff.

DEFINITIONS

- a. "AB 1506 Qualifying Event" means an officer-involved shooting incident where the subject shot by officers is killed and deemed "unarmed" based on the guidelines established by the California Department of Justice and California Attorney General's Office.
- b. "Deadly Force" means 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.
- c. "Incident" is defined as 1) any discharge of a firearm by a peace officer, excluding discharges that are deemed unintentional, training related, or conducted during the euthanization of an animal, 2) any use of deadly force by a peace officer resulting in death, or 3) any death of a person while "in custody" of a peace officer. For purposes of this MOU, an "incident" does not include the death of a person incarcerated in a County or City detention facility/jail (except when it stems from a use of force).

- d. "In-Custody" is defined as a detention or arrest coupled with a use of physical force and/or some sort of physical restraint (e.g., handcuffing, placed in a police vehicle). "In-Custody" means more than being chased or contained by officers.
- e. "Involved Agency" means the agency employing the peace officers involved.
- f. "Investigating Agency Liaison" means the employee, supervisor, or manager of the investigating agency tasked with being a liaison between the investigating agency and the involved agency and/or jurisdictional agency to facilitate the comprehensive and independent investigation of the incident.
- g. "Involved Agency Liaison" means the employee, supervisor, or manager of the involved agency tasked with being a liaison between the involved agency, the jurisdictional agency (if different than the involved agency), and the primary investigating agency to facilitate the comprehensive and independent investigation of the incident.
- h. "Jurisdictional Agency" means the agency with primary law enforcement jurisdiction over the area where the incident occurred.
- i. "Jurisdictional Agency Liaison" means the officer, supervisor, or manager tasked with being the resource conduit between the jurisdictional agency, the involved agency (if different than the jurisdictional agency), and the investigating agency to ensure facility, information, evidentiary, and other logistical access for investigators handling the incident.
- j. "Officers Involved" means peace officers who have fired their weapons, used force, or were participants in an incident as defined.
- k. "Primary Investigating Agency" means the agency with investigative responsibility for a qualifying incident.

PRIMARY INVESTIGATING AGENCY

The Primary Investigating Agency is decided using the following criteria:

- a. Incidents where officers involved are employed by the San Diego Police Department will be investigated by the San Diego Sheriff's Department.
- b. Incidents where deputies/officers involved are employed by the San Diego Sheriff's Department or any of the other agencies participating in this agreement by signature

below (except the San Diego Police Department), will be investigated by the San Diego Police Department.

- c. Incidents where both the San Diego Sheriff's Department and the San Diego Police Department have deputies/officers involved, will be investigated by the Chula Vista Police Department.
- d. Incidents meeting the definition of an " AB 1506 Qualifying Event" will be investigated as detailed under the header below.
- e. Uses of deadly force, aside from the discharge of a firearm by a peace officer, that do not result in death will be investigated by the involved agency unless there is an independent MOU with another agency to handle those investigations.

For incidents involving a predicate criminal investigation and an associated officer-involved shooting investigation, the jurisdictional agency of the original incident will handle the criminal investigation and apprehension of any related suspects, while the primary investigating agency will specifically investigate the officer-involved shooting. The lead case agents from each investigative team will confer to ensure investigatory needs, such as evidence collection and processing, scene processing and documentation, and interviews are met, and take into consideration the needs of both investigations. Appropriate laboratory personnel will be utilized for each investigation.

In situations where an officer is seriously injured or killed, other than traffic collisions, and an officer-involved shooting occurs, the incident will be investigated by the primary investigating agency utilizing their laboratory personnel. In some instances, the primary investigating agency and jurisdictional agency may consider separating the investigations. This decision will be made by the primary investigating agency, who will consider factors which may include the jurisdictional agency's interests, case integrity and other applicable considerations when making a decision to separate the cases.

Incidents meeting the definition of an AB 1506 Qualifying Event will initially be handled as outlined above; however, once California DOJ is notified, responds, and determines the incident is a qualifying event, they will assume the role of primary investigating agency and the former primary investigating agency will take a secondary, collaborative role. The process for handling these events is outlined in the California Department of Justice — Division of Law Enforcement California Police Shooting Investigations Teams (CaPSIT) Investigation Protocol Procedures.

Incidents involving federal law enforcement or any state or local agency electing not to participate in this MOU will be handled by the jurisdictional agency or in accordance with other existing agreements. This is further outlined below.

POLICY

When a peace officer, whether on or off duty, is involved in an incident, the jurisdictional agency shall contact the appropriate primary investigating agency, via their Communications Centers, as outlined above. The agency that employs the officer(s) involved, or other designated investigating agency, may conduct a concurrent or subsequent administrative investigation of the incident; however, the intent of the parties to this agreement is that these types of investigations be conducted by the primary investigating agency, independently and without interference or undue influence from the agency that employs the involved officer(s) or deputy(s).

All information or reports developed by the primary investigators shall be made available to all involved agencies, as needed, and as permitted by law. Except as outlined in AB1506, or for incidents involving Federal Law Enforcement, the primary investigating agency shall submit investigative documentation of qualifying incidents, as defined herein, to the District Attorney's Office for review.

All AB 1506 cases will be submitted by the California Department of Justice investigators to the charged Deputy Attorney General for review in accordance with their review process and the law.

RESOURCES

The primary investigating agency will utilize their own laboratory personnel, unless impractical to do so. If the primary investigating agency laboratory personnel are not to be used, the primary investigating agency will make arrangements to provide laboratory personnel.

JURISDICTIONAL AGENCY'S INITIAL RESPONSE

Officers who used force in incidents, as defined above, and officers identified as key witnesses shall be removed from the scene as soon as possible. Officers who used force shall be transported, as determined by the primary investigating agency, to a law enforcement facility within a reasonable distance from the scene, with resources deemed adequate for the separation of witnesses, accommodates investigative procedures, and affords a reasonable degree of personal comfort, convenience, and privacy for the parties involved.

Officers involved in incidents, as defined above, should brief the first responding supervisor, or other officer responsible for securing the incident scene, of the general facts of the incident and other matters as they relate to public safety. Within the guidelines of law and department policy, officers involved should cooperate fully with supervisors and advise them of the following via a public safety statement that captures the following:

- Are there any outstanding suspects; if so, please describe them and any vehicles and their last known direction of travel?

- Are there any injured persons; if so, please advise of their whereabouts and the nature of their injuries?
- Where were you when you fired and in what approximate direction were you pointing your weapon when you fired? If you were fired at, from what direction was the suspect firing?
- How many rounds do you think you fired and how many rounds were fired at you?
- Are there any outstanding weapons, and if so, do you know what type?

This information will enable the responding staff to take appropriate emergency action, to secure evidence and to isolate the scene.

Following the initial briefing with the first responding supervisor, and except as permitted below, officers involved should not discuss the incident with other persons, or among themselves, before being interviewed by the investigators from the primary investigating agency.

Investigators shall seek voluntary statements from officers involved in the incident. Officers involved in the incident shall be permitted to speak with a legal representative, peer support representatives, chaplain and/or mental health professionals before submitting to an interview by incident investigators. Under no circumstances will the primary investigating agency compel a statement from an involved officer. Should an involved officer decline to provide a voluntary statement, an involved agency may elect to follow their Department's Policy and Procedure to obtain a statement for their internal use.

INCIDENT SCENE

Officers at the scene, regardless of agency affiliation, shall secure the scene pending arrival of representatives of the jurisdictional agency and the primary investigating agency.

The security of the incident scene shall be handled by the jurisdictional agency, as directed by the primary investigating agency, for the duration of the time they are on scene.

AGENCY LIASIONS

When the primary investigating agency is dispatched to handle an incident, they shall, immediately upon arriving on scene, identify who the involved agency liaison will be and, if applicable, a jurisdictional agency liaison to coordinate the sharing of necessary information.

The primary investigating agency liaison, or their designee, shall brief the involved agency and jurisdictional agency as requested. This will facilitate on scene logistical operations and allow the involved agency to complete necessary administrative and operational reviews.

The involved agency liaison shall also be responsible for providing any necessary agency-specific information to the primary investigating agency, such as mobile data/CAD information, BWC footage, and employee record information to include date of hire, assignment, etcetera.

EVIDENCE

Evidence, including personal belongings of the officers involved, shall not be unnecessarily moved or altered. Evidence in the personal possession of the officers involved, such as firearms or other equipment, shall be surrendered upon request of investigators representing the primary investigating agency. Replacement of equipment taken for evidence will be handled as outlined in the involved officer's Department policy and the law.

ON SCENE BRIEF

Prior to beginning the investigation of the incident, members of the primary investigating agency, the involved agency, the assigned District Attorney Investigator, and where applicable, the jurisdictional agency liaison, shall receive a joint briefing on the facts known to that point. The primary investigating agency is not required to delay the briefing or subsequent investigation to accommodate unavailable involved or jurisdictional agency members, so as not to delay the onset of the investigation. Additional briefings may take place as time allows or as necessitated as the investigation unfolds.

MEDIA RELEASES

The release of information concerning any incident as defined herein will be handled by the primary investigating agency, in coordination and collaboration with the involved agency, and when appropriate, the jurisdictional agency. The release of video or information related to these investigations shall be in compliance with Government Code section 6254(f) and SB 1421. Any other agency receiving media inquiries about the incident shall refer them to the primary investigating agency for coordination and distribution with the involved agency, and if appropriate, the jurisdictional agency. Once the primary investigating agency submits the case to the District Attorney's Office for review, media requests should generally be referred to the District Attorney's Office. This MOU is not meant to restrict the head of an agency from making public statements or releasing video that he or she deems necessary to the interests of justice or to protect public safety.

NOTIFICATIONS

The primary investigating agency shall be responsible for notifying the Medical Examiner and coordinating all necessary evidentiary information and collection with the Medical Examiner's Office.

The primary investigating agency shall be responsible for coordinating family notifications with the Medical Examiner's Office, as necessary.

The primary investigating agency shall notify the designated representative of the District Attorney, and/or representatives from the California Department of Justice as outlined below, immediately upon learning of the occurrence of any incident as defined herein.

DISTRICT ATTORNEY'S OFFICE INITIAL RESPONSE

A District Attorney Investigator (DAI) may respond to the scene of incidents, as defined herein, which occur within the County of San Diego.

The DAI will contact the supervisor in charge of the investigative agency at an incident scene. A briefing of the incident and a familiarization of the incident scene will be given as soon as practical. The DAI will be permitted access to the incident scene to the extent possible, without contaminating evidence or otherwise disturbing the scene.

The DAI may participate in the interview of witnesses, if invited by the primary investigating agency. They will identify any potential witnesses they discover and point out any item of evidence they observe to the officer in charge of the investigation. The DAI will not interview witnesses and will not gather evidence at the initial scene but may provide any advice or other assistance sought by the primary investigating agency.

The assigned DAI may attend the autopsy of any decedent involved in a fatal incident.

"THREE DAY" INITIAL BRIEF

In any incident, as defined herein, the primary investigating agency, or former primary investigating agency if the incident is an AB 1506 Qualifying Event, shall provide a briefing to representatives of the involved agency and the District Attorney's Office, or the Attorney General's Office, generally no later than the third working day following the incident. The briefing shall include a verbal review of the evidence, witness statements, and the status of the investigation. Included in this review should be selected representatives of the involved agency, representatives from the Federal Bureau of Investigation, the United States Attorney's Office, and legal representatives for the involved agency.

REPORTING

Upon completion of the investigation of an incident, as defined above, or no later than 90 days, the investigating agency shall provide copies of all investigative reports, witness statements, recordings, video evidence, photographs, diagrams, autopsy reports, and all other relevant documents in their possession to the California DOJ or the District Attorney for review as appropriate. The primary investigative agency shall also make available for inspection any item of evidence. In return, the District Attorney will complete their review and report their findings to the involved and investigating agencies within 90 days of receiving all relevant reports, such as the Medical Examiner's reports and laboratory findings.

In cases where there is a use of deadly force that is not a qualifying discharge of a firearm or does not result in death, the investigation will be conducted by the involved agency unless there is an independent MOU with another agency to handle those investigations. Submission of these cases for review by the District Attorney's Office for potential criminal liability will be determined by the investigating agency.

DISTRICT ATTORNEY RESPONSIBILITY

The District Attorney may request supplemental investigation of an incident by the primary investigating agency or conduct additional investigation through District Attorney personnel. Copies of any investigative reports prepared by the District Attorney will be provided to the primary investigating agency as soon as possible.

The District Attorney shall conduct an independent assessment of the circumstances surrounding an incident, as defined herein. The District Attorney will issue written findings to the head of the primary investigating agency and the head of the agency employing the officer(s) involved within 90-days of receiving all relevant reports, such as the Medical Examiner's reports and laboratory findings.

The District Attorney's Office will be responsible for releasing their findings to the media/public after first issuing the findings to the head of the primary investigating agency and the head of the agency employing the involved officer/agent. The time and manner of release shall be determined by the District Attorney's Office with notification being made to the affected agencies beforehand, to ensure involved parties are prepared for that release of information.

In the event of an officer-involved shooting where an officer is wounded and a person is charged with a crime, the District Attorney reserves the option to waive the review set forth herein. In such a case, the District Attorney will send the requesting agency a letter memorializing the absence of state criminal liability on the part of the officer(s) involved.

VIDEO AND AUDIO EVIDENCE RELEASES

Law enforcement agencies will endeavor to release video and audio evidence from an incident within 45 days of an incident or sooner, pursuant to Government Code section 6254(f)(4) and in accordance with Penal Code section 832.7. However, video and audio evidence will not be released if:

- 1) Release will substantially interfere with an active criminal investigation.
- 2) The safety of a witness or confidential source will be endangered, and redaction of the video or audio will not protect the safety of the individual.

- 3) Release will violate the reasonable expectation of privacy of a subject depicted in the recording which outweighs the public interest in the video, and redaction of the video or audio will not protect the privacy of the individual.

Release will violate the reasonable expectation of privacy of a subject depicted in the recording which outweighs the public interest in the video, and redaction of the video or audio will not protect the privacy of the individual.

INCIDENTS INVOLVING NON-PARTICIPATING LAW ENFORCEMENT AGENCIES

When an employee of a state, local, or out-of-county law enforcement agency not participating in this agreement is involved in an incident as described above, the jurisdictional agency shall conduct the primary investigation of the incident unless there is an independent MOU between that non-participatory law enforcement agency and another agency to conduct those investigations. The agency that employs the involved officer may conduct a concurrent or subsequent investigation of the incident.

INCIDENTS INVOLVING FEDERAL LAW ENFORCEMENT PERSONNEL

This MOU does not generally apply to incidents involving federal law enforcement personnel; therefore, incidents involving federal agencies will be handled by the appropriate federal investigatory agency or as outlined in an independent MOU/agreement.

INCIDENTS INVOLVING PEACE OFFICERS ASSIGNED TO A FEDERAL TASK FORCE

If the involved officer is a peace officer under California law and assigned to a federal task force (i.e., a Task Force Officer, aka TFO), then the primary investigating agency shall be determined based on the agency the Task Force Officer works for, and pursuant to this MOU.

AB1506 QUALIFYING EVENTS

The California Department of Justice is mandated under AB 1506 to investigate officer-involved shootings of "unarmed" civilians resulting in death. The intent of this MOU is to have Department of Justice investigators working collaboratively with the staff from the local primary investigating agency to conduct the investigation. These investigations will be conducted in accordance with the guidelines in the California Department of Justice — Division of Law Enforcement California Police Shooting Investigations Teams (CaPSIT) Investigation Protocol Procedures manual and local OIS practices, like this MOU. Upon completion of the investigation, the investigative package will be submitted by the CaPSIT Case Agent to the California Attorney General's Division of Criminal Law for review.

LIABILITY AND INDEMNITY

No party assumes liability for any act or omission committed by another party. The parties acknowledge that this agreement is by and between independent entities and is not intended, nor shall be construed, to create the relationship of agent, servant, employee, partnership, joint venture, or association. For civil liability purposes, no party shall be considered the agent of any other party. Each party shall, to the extent possible under applicable law, assume financial responsibility, and defend itself, for any liabilities arising from the acts or omissions of its own employees' actions pursuant to this agreement.

AMENDMENTS

All amendments to this MOU need to be in writing and signed by each party to this MOU.

WITHDRAWAL

A party to this MOU may withdraw its agreement and participation. A notice of intention to withdraw from this memorandum of understanding (MOU) shall be given to each other signatory, in writing, 30 days prior\

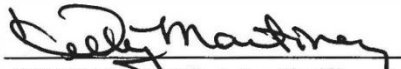
to the effective date of such revocation. All cases that are currently being investigated under this MOU shall continue to be investigated until the investigation is finished, notwithstanding the withdrawal of the investigating agency. All parties agree to a continued duty to cooperate with the investigating agency until all pending investigations are finished.

TERM OF AGREEMENT

The parties, by signing this MOU, acknowledge and agree that this protocol shall be effective upon approval and shall remain in full force and effect unless and until a party withdraws or a revised memorandum of understanding is established.

ENDORSEMENTS

Agreed hereto by all parties whose signatures appear below:

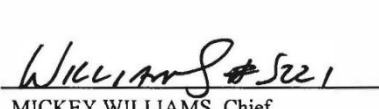

KELLY MARTINEZ, Acting Sheriff
County of San Diego

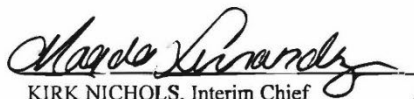

DAVID NISLEIT, Chief
San Diego Police Department

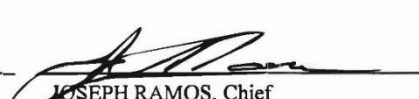

SUMMER STEPHAN, District Attorney
County of San Diego


TAMIKA NELSON, Chief
San Diego County Probation

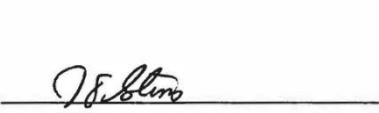

JORGE DURAN, Chief
District Attorney - Bureau of Investigations


MICKEY WILLIAMS, Chief
Carlsbad Police Department


KIRK NICHOLS, Interim Chief
San Diego Harbor Police

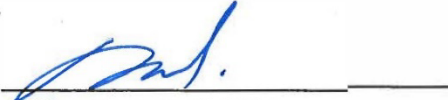

JOSEPH RAMOS, Chief
San Diego Community College Police


ROXANA KENNEDY, Chief
Chula Vista Police Department


JOEY FLORENTINO, Interim Chief
San Diego Unified School District Police



CHARLES KAYE, Chief
Coronado Police Department




MICHAEL HAYES, Chief
MICHAEL HASTINGS
San Diego State University Police



MICHAEL MOULTON, Chief
El Cajon Police Department



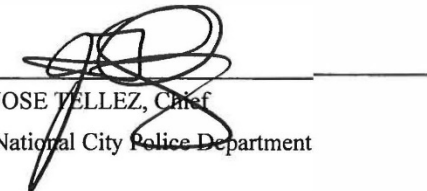
GREG MURPHY, Interim Chief
University California San Diego Police



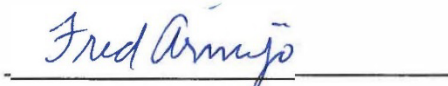
ED VARSO, Chief
Escondido Police Department



RAY SWEENEY, Chief
La Mesa Police Department



JOSE TELLEZ, Chief
National City Police Department



FRED ARMIJO, Chief
Oceanside Police Department

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 04-20-22	NO: 1.6 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: USE OF CHEMICAL AGENTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.6, dated January 7, 2021. See also Department Instruction 1.24 - Use of Force and Use of Force Review Committee, and Department Instruction 1.46 - Use of Specialty Munitions.

I. PURPOSE

To establish policy and procedures for the use of chemical agents and related equipment.

II. DEFINITIONS

California Penal Code section 17240(a) defines “tear gas” as all liquid, gaseous, or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

California Penal Code section 13652(d)(2) defines “chemical agents” as any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure.

III. TRAINING

- A. All officers will be trained in the use of chemical agents as required by California Penal Code section 13652.
- B. All officers are required to participate in chemical agent training as directed by the Department.

IV. AUTHORIZED USE - POLICY

- A. Chemical agents or tear gas may be used as a means to subdue and gain control of a subject displaying assaultive behavior. Such chemical agents are considered an intermediate use of force. The following chemical agents may be used by officers trained in their use and include:
 1. Chlorobenzylidenemalononitrile (CS)
 2. Oleoresin Capsicum (OC)
 3. Chloroacetophenone (CN) (*CN, while available to and used by LE agencies, is not currently used or issued by the Escondido Police Department).

- B. Officers should recognize the limitations of chemical agents, especially in armed encounters. The use of chemical agents when addressing an armed person should not be considered except in conjunction with other force options, or circumstances where an officer has adequate “lethal cover” and can safely deploy this use of force option.
- C. Except as provided below, chemical agents shall not be used to disperse any assembly, protest, or demonstration. Chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and only in accordance with the guidelines set forth under California Penal Code section 13652(b) as listed below.
 - 1. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
 - 2. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
 - 3. Persons are given an objectively reasonable opportunity to disperse and leave the scene.
 - 4. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
 - 5. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
 - 6. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
 - 7. An objectively reasonable effort has been made to extract individuals in distress.

8. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
9. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
 - a. A violation of an imposed curfew.
 - b. A verbal threat.
 - c. Noncompliance with a law enforcement directive.
10. If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

V. EQUIPMENT

- A. Officers will carry only Department-approved chemical agents. Any other agents must be approved by the Training Manager prior to officers deploying with them.
- B. Department personnel are responsible for the chemical agent equipment issued to them and shall not loan or give this equipment to persons outside the Escondido Police Department.
- C. Individual Unit Commanders are responsible for periodic inspection of chemical agent equipment possessed by personnel within their unit. Theft or loss of equipment shall be reported immediately on an Officer's Report and the Unit Commander shall be advised.
- D. Expired, malfunctioning, or empty equipment shall be turned into the Property Division for safe and proper disposal. Personal containers of OC weighing less than 60 percent of full weight will be replaced. Replacement will be made upon receipt of old equipment.

VI. AUTHORIZED PERSONNEL

- A. All uniformed sworn officers shall carry OC chemical agent while on duty.
- B. Non-sworn employees (Parking, CSOs) who elect to carry OC chemical agents while on duty must complete a Department approved OC class prior to carrying OC. Employees choosing to carry OC off duty may do so, but must comply with all laws pertaining to civilian possession of OC as there is no law enforcement exception for them when off duty.

- C. Carrying of chemical agents by plainclothes personnel and uniformed officers assigned to administrative duties will be optional.
- D. Additional chemical agent munitions and weapons are stored in the armory and are to be used only by trained members of SWAT, Mobile Field Force, or other trained AND authorized officers during critical incidents.

VII. GUIDELINES FOR USE OF CHEMICAL AGENTS

A. Use of Chlorobenzylidenemalononitrile (CS):

- 1. CS can be used effectively at a variety of ranges depending on the method of dissemination. Officers should use caution to not deploy CS at a distance that may affect them or another officer.
- 2. CS can cause a burning sensation to the skin, however, to be most effective, CS must come into contact with the face. When deployed properly, CS will cause coughing, gagging, shortness of breath, and an involuntary closing of the eyes.
- 3. CS will not generally be issued to officers to carry in personal canisters.

B. Decontamination of CS

- 1. First aid treatment will be given to a person exposed to CS at the earliest practical moment.
- 2. An officer should not attempt to wash the affected area with water. This will only aggravate the person's condition by washing the chemical agent to other parts of the person's body.
- 3. An officer should not apply creams, ointments, or any other medications to the affected area as this will trap the chemical agent and prolong its effects.
- 4. If possible, an officer should expose the affected area to a breeze (or a fan) to aerate the skin and use the wind to remove the chemical agent particles from the skin.
- 5. If practical, contact lenses should be removed to avoid prolonged exposure.
- 6. The effects of CS are short-lived and an exposed person will typically recover quickly provided that proper first aid is given.

C. Use of Oleoresin Capsicum (OC).

- 1. OC can be used effectively at different ranges depending on the method of dissemination. Officers using a personal canister should use caution to not

deploy OC at a distance that would affect them or another officer. A minimum distance of six feet is recommended to prevent an unintended exposure. The use of aerosol OC deployed directly into the eyes of a subject closer than three (3) feet can cause serious injury to the eye and must be reasonable under the totality of the circumstances. A maximum distance of 10 feet is recommended to ensure accuracy.

2. OC can cause a burning sensation to the skin, however, to be most effective, OC must come into contact with the face. When deployed properly, OC will cause coughing, gagging, shortness of breath, and an involuntary closing of the eyes.
3. Officers should use caution when deploying OC under windy conditions or in smaller confined areas.
4. Personal OC canisters should be shaken at least once a month to ensure the active ingredient is properly mixed.
5. Officers should carry their personal OC canisters in such a way as to prevent accidental activation.

D. Decontamination of OC

1. First aid treatment will be given to a person exposed to OC at the earliest practical moment.
2. An officer should not apply creams, ointments, or any other medications to the affected area as this could trap the tear agent and prolong its effects.
3. Officers should flush the contaminated area with copious amounts of cool water and fresh air as soon as possible after exposure. Further relief may be gained by washing the affected area with soap and water.
4. If practical, contact lenses should be removed to avoid prolonged exposure.
5. The effects of OC should disappear within 15-45 minutes after exposure. Should the symptoms persist or complications arise, medical attention should be sought as soon as possible.

VIII. DOCUMENTATION AND REPORTING REQUIREMENTS

- A. In all cases where chemical agents are used, officers shall complete a detailed and accurate report concerning the circumstances relating to their use (see Department Instruction 1.24, Reporting Use of Force, Section VIII). Any usage of chemical agents on an individual requires supervisor notification and will be documented in the appropriate report. Photographs should be taken of the individual regardless of injuries. Refer to reporting requirements found in Department Instruction 1.24,

Section VII SUPERVISOR NOTIFICATION and Section VIII USE OF FORCE REPORTING.

- B. All reports which document a use of force against a person shall be flagged in RMS with a “Use of Force” Special Studies code.
- C. The Department shall follow the reporting requirements set forth under California Penal Code section 13652.1 when qualifying chemical agents are used for purposes of crowd control.

IX. REVIEW PROCESS

- A. The SWAT and Mobile Field Force (MFF) Commanders are responsible for reviewing the use of chemical agents as deployed on SWAT or MFF missions. The review will encompass adherence to policy and whether the munitions functioned as expected.
- B. The Use of Force Committee will review all other instances of chemical agent deployments.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 08-03-22	NO: 1.7 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: PRESS RELEASE GUIDELINES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.7 Administration, dated December 23, 2021.

I. PURPOSE

- A. The purpose of this Department Instruction is to provide guidelines in the following areas:
 1. The release of Department information in the form of press releases, on camera interviews or other recorded statements to media outlets.
 2. Media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.
 3. The use of social media in providing information to the public on issues of public safety as well as issues of human interest.
- B. Nothing in this Department Instruction is intended to provide authority or guidance in the release of any other written report or official document.

II. GENERAL

Freedom of the press is a fundamental constitutional guarantee, and the news media performs a vital role in inquiring into and reporting on the integrity, fairness, efficiency and effectiveness of law enforcement and the administration of justice. The constitutional right of a free press, however, could conflict with the constitutional right of an accused to a fair trial. It is therefore essential to establish guidelines for the disclosure and reporting of information relating to arrested persons and criminal trials.

III. POLICY CONCERNING RELEASE OF INFORMATION TO THE MEDIA

- A. California Government Code 6254(f) requires state and local law enforcement agencies to make certain information available to the media, except to the extent that such disclosure would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation. There are also circumstances when it is beneficial to release information even when not legally required.
- B. Information relative to the arrest of an individual which, upon request, shall be released to the media includes:
 1. Full name (except when the arrested person is a juvenile);

2. City of residence;
 3. Occupation;
 4. Date of birth, physical description, age and sex;
 5. Circumstances surrounding the arrest to include time, date and place of arrest, resistance offered to include foot or vehicular pursuit, possession and use of weapons;
 6. The offense(s) with which the defendant is charged;
 7. Date and time of booking;
 8. Amount of bail and location arrestee is being held;
 9. Probation or Parole Holds;
 10. Time and manner of release, if applicable;
 11. The identity of the investigating and arresting agency and the length of the investigation, if applicable.
- C. Information regarding the identity of a suspect may be released to the news media in an effort to alert the public to possible danger, or to elicit public assistance in the capture of a wanted person. Information relative to a wanted subject which may be released includes:
1. Full name, if known (except when the suspect is a juvenile);
 2. City of residence;
 3. Occupation;
 4. Date of birth, physical description, age and sex;
 5. Vehicle description to include make, model and license plate;
 6. Circumstances surrounding the crime of which the person is suspected to have committed to include time, date and place of crime, possession and use of weapons;
 7. Statements which can be obtained from the public records of the courts, such as whether a criminal complaint has been issued, the criminal charges, the arraignment date, and whether the defendant was bound over for trial at the preliminary hearing.

IV. POLICY CONCERNING NON-RELEASE OF INFORMATION TO THE MEDIA

- A. Traffic collision reports are confidential except to those parties with a direct interest to include drivers, owners and insurance company representatives. Detailed information related to traffic collisions is not subject to media disclosure. Information to be released is limited to the following:
1. Date, time and location of collision;
 2. Number and makes of involved vehicles;
 3. Number of occupants and extent of injuries;
 4. A factual summary of collision.
- B. The name or any identifying information of a victim of any crime listed below shall not be released to the media.
1. P.C. 261, Rape;
 2. PC 261.5, Rape/Female under 18 years;
 3. PC 264.1, Aiding Rape;
 4. PC 273a, Child Cruelty;
 5. PC 273d, Corporal Punishment on a Child;
 6. PC 286a-m, Sodomy;
 7. PC 288(a) and (b), Child Molest;
 8. PC 288a, Oral Copulation;
 9. PC 289, Penetration by Foreign Object.
- C. The following information should not be disclosed to members of the news media:
1. The name of the defendant, if they are a juvenile;
 2. Statements relating to the defendant's criminal record;
 3. The existence or contents of any confession, admission or statement given by the defendant, except it may be stated that the accused denies the charge made against them;

4. Statements relating to the identity or credibility of witnesses;
5. Results of any examination or tests or the defendant's refusal or failure to submit to an examination or test (handwriting comparisons, ballistics tests, polygraph, etc.);
6. Opinions concerning the guilt, the innocence, or the character of the defendant;
7. Statements predicting or influencing the outcome of the trial;
8. Anything concerning the identity of persons making complaints to us or any law enforcement agency;
9. Anything from preliminary drafts, notes, or memoranda which is retained in the ordinary course of business;
10. Anything that may disclose secret investigative techniques and/or procedures;
11. Confidential information provided only by a confidential source.

D. Photographs

1. Officers should not deliberately pose a person in custody for photographing or televising by representatives of the news media.
2. Un-posed photographing and televising of a defendant in public places is acceptable and officers should not interfere with such photographing or televising unless such photographing or televising would interfere with their official duties.
3. A photograph of a person arrested for a public offense may be released to the media upon request. A picture of a suspect wanted for a crime may also be released to the media.
4. Pictures of victims or persons of interest such as citizens receiving awards, subjects of human interest stories, or persons participating in a police function, shall only be released to the media with the permission of all persons appearing in the photograph.
5. Under certain circumstances, photographs may be allowed of seized evidence or photographs depicting crime scenes. Release of these photographs shall be coordinated by the PIO.
6. Publishing a booking photograph on social media of an individual arrested on suspicion of committing a nonviolent crime is prohibited, unless any of the following circumstances exist, per PC 13665(a):

- a) The suspect is a fugitive or poses an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- b) A judge orders the release or dissemination of the suspect's image based on a finding the release or dissemination is in furtherance of a legitimate law enforcement interest.
- c) There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

For the purpose of this section, "Social Media" is defined in PC 632.01 and does not include an internet website or an electronic data system developed and administered by the police department.

E. Juveniles

1. The California Supreme Court in the case of T.N.G. vs. Superior Court 4 Cal. 3d 767 (1971) ruled that the Juvenile Court has the exclusive authority to determine the extent to which juvenile records and identification may be released to third parties. The T.N.G. case does not prohibit law enforcement agencies from releasing information to news media about the facts and nature of crimes committed by juveniles. It merely prohibits the agency from identifying juveniles under the age of 18 years who have been arrested, detained or made a ward of the court without first obtaining the written consent of the Juvenile Court.
2. Law enforcement agencies in San Diego County may release any information regarding juveniles to:
 - a. The juvenile;
 - b. The parents or guardians of the juvenile;
 - c. The foster parents of said juvenile;
 - d. The juvenile's attorney;
 - e. All California District Attorney's offices;
 - f. California Bureau of Investigation and Information;

- g. All California law enforcement agencies;
 - h. All California school systems;
 - i. All California probation departments;
 - j. All California public welfare agencies;
 - k. California Youth Authority and its parole agents;
 - l. Department of Corrections and its parole agents;
 - m. Authorized court personnel;
 - n. Any California Court pursuant to subpoena from such court;
 - o. The victims of juvenile crime, or the parents of the victims of juvenile crime, who wish to pursue the enforcement of civil liability;
 - p. Hospitals, schools, camps, job corps, ranches, or placement agencies which require the information for the placement, treatment or rehabilitation of the juvenile;
 - q. The persons entitled thereto under Vehicle Code Sections 20008 - 20012;
 - r. Any Coroner;
 - s. San Diego County Community Health and/or its subsidiary;
 - t. San Diego County Department of Public Health;
 - u. Community referral agencies, whether in or out of California, provided the forwarding law enforcement agency has first obtained the written consent of the parent or other person having legal custody of the juvenile.
3. Matters involving juveniles that do not amount to an arrest or detention do not come within the T.N.G. decision, and there would be no restriction on disclosure to the news media. For example, an automobile accident resulting in a traffic death, or a juvenile who is the victim of a crime and there are no criminal charges pending against him.

V. MEDIA ACCESS TO CRIME SCENES

- A. Crime scenes and Incident Command Posts shall be closed to all unauthorized personnel to include media representatives.

- B. The operational area of a tactical and/or other special event is considered the same as a crime scene or Command Post and shall be closed to all unauthorized personnel to include the media.
- C. The media shall be allowed reasonable access to an area surrounding and/or adjacent to a crime scene, Command Post or tactical operation or special event. This 'media staging area' shall be selected in a manner that will not compromise a criminal investigation, special operation or tactical operation. The on-scene designated PIO shall select the media staging area and shall coordinate the flow of information with the media from that location.

VI. MEDIA ACCESS TO DISASTER SCENES

- A. Disaster and accident scenes may be closed to the public under authority of Penal Code 409.5(a) which states: "...a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion or other disaster..."
- B. Designated credentialed media representatives are authorized access to disaster scenes under the authority of Penal Code 409.5(d) which states: "Nothing in this section shall prevent a duly authorized representative of any news service from entering the area closed. After being advised of any existing danger, members of the news are permitted free movement in the area as long as they do not hamper, deter or interfere with law enforcement or public safety functions."

VII. MEDIA ACCESS TO RESTRICTED AREAS DURING ACTIVITY PROTECTED BY THE FIRST AMENDMENT

- A. If the police close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in activity that is protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution, a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas. (Cal. P.C. 409.7)

VIII. PRESS RELEASE PROCEDURE AND DUTIES OF THE PRESS INFORMATION OFFICER

- A. Designation of Press Information Officer Duties and Responsibilities
 - 1. The Press Information Officer (PIO) will be designated by the Chief of Police. The PIO is responsible for preparing and disseminating information of public interest and safety to the media through appropriate social media sites. The PIO will be responsible for responding to all news media inquiries.

2. The PIO is the primary point of contact for media inquiries relating to significant criminal matters. In the event the PIO is not available, the Investigations lieutenant or captain shall assume PIO responsibilities.
 3. During other than normal business hours, the Watch Commander shall function as the PIO and will be responsible for responding to inquiries from the media. If an incident of media interest occurs during a watch, the Watch Commander shall contact the PIO for direction prior to issuing a press release.
 4. Any public statements regarding personnel investigations, discipline or matters of policy shall be prepared or issued by the Chief of Police or designee.
- B. Designation of a Press Information Officer in no way reduces the responsibility of all personnel to maintain an effective public relations program. When approached by a member of the news media, personnel are encouraged to cooperate fully by responding to questions and giving proper information as outlined within this Department Instruction that will not interfere or adversely affect an investigation. If in doubt, be courteous and refer the reporter to a supervisor.
- C. Press Release:
1. Press releases shall be written on Department letterhead and follow the format of attachment (1).
 2. Press releases shall be placed on the Department website under News/News Releases.
 3. Press releases shall be distributed to media outlets via Twitter. Press releases shall be made available through an RSS feed.
 4. At the discretion of the PIO, press releases may also be distributed through a Citywide email.
- D. General Guidelines in Media Relations:
1. Make every effort to avoid the appearance of favoritism. Treat all news media representatives equally at the scene of an incident and do not give more information to one than another.
 2. Do not color a story nor attempt to cover up a controversial matter. Be completely honest, and if unable to give an answer, either refer the reporter to someone who can, or tell him you will get the answer for him. If you obtain the answer, it is vitally important that it be given to the same person making the inquiry.

3. If a reporter is conducting research for an exclusive feature and asks for information, respect their confidence and do not reveal the story to another media representative. However, current crime news or other items of immediate and general interest cannot be kept exclusive even though such a request is made.
4. Not all stories are related to criminal activity. The news media is equally interested in human interest stories that a police department discovers during the normal course of events. If a Department employee is approached for a human interest story, they will contact the PIO for story clearance prior to giving an interview.

IX. RELEASE OF INFORMATION VIA SOCIAL MEDIA

The Escondido Police Department recognizes the value of social media in disseminating information vital to public safety and that is of public interest. This includes formal press releases as well as human interest stories, personnel profiles, and community outreach efforts. The following guidelines apply to official Department use of social media. Issues of personal use of social media are outlined within Department Instruction 1.61.

A. Department-Sanctioned Presence

1. Procedures

- a. All Department social media sites or pages shall be approved and controlled by the Chief of Police or his designee who shall be referred to as the Department Social Media Coordinator.
- b. The Department Social Media Coordinator will monitor and follow the current Media Safety and Content rules as listed on the Department's social media website.
- c. When possible, the social media site(s) should link to the Department's official website.
- d. When possible, Department social media sites shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.
- e. Department social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
- f. When possible, Department social media sites should state that the opinions expressed by visitors to the site(s) do not reflect the opinions of the Department.

- (1) Department social media sites which allow for public input shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks.
- (2) Department social media sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

B. Department-Sanctioned Use

1. Department social media may be utilized to disseminate information to the public on issues of public safety. Areas where social media outreach should be considered include:
 - a. To report a crime where follow-up information is available such as suspect description, vehicle license plate, description of stolen property, etc.
 - b. To provide photographs and information on missing persons.
 - c. To provide photographs and information on wanted persons.
2. Social media may be utilized as a tool of community outreach and engagement in many areas to include:
 - a. Providing crime prevention tips.
 - b. Offering online reporting opportunities.
 - c. Sharing crime maps and data.
 - d. Soliciting tips about unsolved crimes via Crimestoppers, Department tip line or Department website.
3. Social media can be used to make time-sensitive notifications related to:
 - a. Road closures.
 - b. Special events.
 - c. Natural disasters such as wildfires or earthquakes.
 - d. Weather emergencies.
 - e. Missing or at-risk persons.

4. Other possible uses for social media include:
 - a. To assist persons seeking employment and volunteer positions with the Department.
 - b. To celebrate accomplishments and successes of Department members such as promotions or awards.
 - c. To celebrate and recognize the contributions of local residents to the safety of the community.



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ESCONDIDO POLICE DEPARTMENT PRESS RELEASE

Description/Title Here

FOR IMMEDIATE RELEASE

DATE: XX/XX/XXXX

POINT OF CONTACT:

Name, Rank, Ph#

PRESS RELEASE INFORMATION

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-26-24	NO: 1.8 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: PEER SUPPORT GUIDELINES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.8, dated December 18, 2018.

I. PURPOSE

The purpose of this Instruction is to establish guidelines for the use of the Department's Peer Support Team.

II. POLICY

The Peer Support Team's primary purpose is to provide emotional support and resources to an employee directly or indirectly involved in a critical incident. The Peer Support Team is not intended to be a part of any criminal or departmental investigation related to the incident. The Peer Support Team is available to all members of the Police Department and, when requested, to other City employees involved in a critical incident.

III. DEFINITION

A. A critical incident, as it relates to the Peer Support Team, can include any traumatic event such as:

1. Officer-involved shootings.
2. An officer witnesses another officer's injury or death.
3. An officer is taken hostage.
4. An officer witnesses a suicide, violent death, or other serious injury.
5. Any event deemed appropriate by Command or their designee.

IV. OBJECTIVES

- A. To disseminate information, as appropriate, to the involved employee regarding the stages of the investigation and available resources.
- B. To provide emotional support to an employee after a critical incident or traumatic life event if needed, or to initiate a referral to a professional psychological service provider or other appropriate resource.
- C. To provide follow-up to an employee's welfare and on-going support.

V. CONFIDENTIALITY

- A. It should be emphasized that nothing said or done in the presence of a Peer Support Team member is legally privileged. Additionally, Peer Support Team members are trained to refrain from doing anything which could tend to color or distort the involved employee's objective recall of the facts.
- B. It is of the utmost importance that the contact between a Peer Support Team member and an employee seeking assistance be kept confidential. Nonetheless, insofar as the Department is concerned, every effort will be made to respect the confidentiality of information which passes between the Peer Support Team member and the employee.
- C. Information that will not be kept confidential will be any information pertaining to the commission of a crime, child/elder abuse, or the fact that the employee poses a danger to himself/herself or another. Such information will be disclosed to the Chief of Police or his/her designee.
- D. If a Peer Support Team member is unsure about the confidentiality of information, they should consult a Peer Support Team supervisor. Failure to maintain appropriate confidentiality may result in dismissal from the Peer Support Team.

VI. CALL-OUT PROCEDURES

- A. Whenever there is a critical incident, the Watch Commander or Command Staff shall have the responsibility to call out Peer Support.
- B. The procedure to call out Peer Support Team members will be as follows:
 - 1. The Watch Commander/Command Staff will notify the supervising sergeant(s) of the Peer Support Team. This sergeant will then notify the appropriate Peer Support Team members.
 - 2. In the absence of the supervising sergeant(s), the lieutenant supervising the Peer Support Team shall then be contacted and will notify the appropriate Peer Support Team members.
 - 3. In the event both supervisors or lieutenant are not available, any Peer Support Team member may be contacted who will then notify the appropriate Peer Support Team members.
 - 4. Once notifications are complete, the coordinating Peer Support Team supervisor/member will determine the appropriate number of members needed and who will be selected based on the needs of the involved personnel. The coordinating member will also dictate appropriate attire based on the situation.

4. Following a critical incident, any team member desiring to assist with an event, outside of normal notification, needs to contact a peer support supervisor prior to deploying.
- C. The Escondido Police Department is currently contracted with First Responder Premier Psychological Services, Coherence Associates Inc., 2121 Palomar Airport Rd., Suite #170, Carlsbad, CA 92011, Telephone: (760) 942-8663.
- D. In the event of an officer involved shooting, Peer Support Team members will refer to the Peer Support - Officer Involved Shooting Supplemental for guidance.
- E. In the event of a line of duty death, Peer Support Team members will refer to the Peer Support - Line of Duty Death Supplemental for guidance.

VII. SELECTION OF PEER SUPPORT TEAM MEMBERS

- A. When an announcement is made seeking those interested in being Peer Support Team members, the candidate shall submit a memorandum through his/her supervisor to the Peer Support Team lieutenant.
- B. Alternatively, Peer Support Team supervision may seek new members who meet the required criteria, as needed to fill vacancies. The evaluation of a proposed new member will require the approval of the lieutenant and captain assigned to the Peer Support Team. Regardless of how a member is selected, a personnel file review will be completed.
- C. Selection to the Peer Support Team is open to all sworn officers, community service officers, records personnel, and dispatchers who meet the following criteria:
 1. Possesses interest in the concept of peer support.
 2. Has the respect of his/her peers and superiors.
 3. Preferably has been involved in a traumatic critical incident.
 4. Is willing to respond when called upon to provide peer support or to a critical incident call out.
 5. Agrees to uphold confidentiality as prescribed.
 6. Possesses adequate interpersonal and communication skills.
 7. Agrees to attend scheduled meetings, trainings, and events.
 8. Possesses a reputation of being trustworthy.
 9. Meets all other criteria as defined by Department Instruction 1.11, section IV.

VIII. PEER SUPPORT TRAINING

- A. New Peer Support Team members will be required to attend an approved basic peer support class.
- B. All Peer Support Team members are expected to attend scheduled meetings and trainings.
- C. Peer Support Team supervisors will ensure team training topics will include, but not limited to:
 - Effective listening skills
 - Suicide awareness and prevention
 - Debrief/diffusion functions
 - Post-traumatic stress management
 - General assessment skills
 - Referral process for resources
 - Emotional survival
 - Stress management
 - Trending information regarding wellness in law enforcement

IX. PEER SUPPORT GENERAL DUTIES AND RESPONSIBILITIES

Peer Support Team supervisors will ensure:

- A. New hires are briefed on resource information to include the mResilience mobile application, Emergency Packet (EsPD form #17), and a general overview of the Peer Support program.
- B. Provide regular trainings and information about the Peer Support Program at Department trainings, shift briefings, or other appropriate venues.
- C. Respond to inquiries for consultation or resources.
- D. Emergency Packets are being provided, collected, and filed during annual evaluations.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-17-20	NO: 1.9 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: PROCEDURES FOR TRANSPORTING PRISONERS TO COUNTY JAIL	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes 1.9 Administration, dated March 20, 2015.

I. PURPOSE

To provide guidelines and procedures to be followed when booking prisoners into the County Jail.

II. GENERAL

- A. Adult Felons: Adult felons shall be booked into County Jail unless the Watch Commander orders otherwise for appropriate reasons.
- B. Adult Misdemeanors: Adult misdemeanor suspects should be released through the field O.R. process whenever possible unless they have to be booked for one of the reasons listed under 853.6j P.C.
- C. Quick release on a Notice to Appear will be permitted when subject is arrested for driving under the influence of alcohol and:
 - 1. Submits to a chemical test;
 - 2. Can locate a responsible, sober adult who will accept responsibility for release and can pick up subject at station within 30 minutes.
- D. All arrests and charges, felony and misdemeanors, will be approved by the Watch Commander prior to transporting the prisoner to County Jail.

III. TRANSPORTATION POLICY

- A. Custody Transport Officers (CTOs) will be available to transport prisoners during certain hours. CTOs shall be utilized whenever they are available.
 - 1. Exceptions: Violent prisoners and escape risks should be transported directly by the arresting officer for security reasons. DUI suspects should be transported by the arresting officer unless the GCI test is administered locally prior to transportation.
- B. Officers will transport prisoners to the jail, after approval by the Watch Commander, when transportation officers are not on duty.
- C. Motorcycle officers will have to utilize other beat units or CTOs for taking their prisoners to County Jail. If it is a DUI who does not qualify for quick release and

GCI is not run at the Escondido Police Department, then the motorcycle officer will check out a vehicle and transport to County Jail.

- D. If a person booked at County Jail is later found to be a juvenile, the arresting agency must return to the jail and retake him into custody.
 - 1. In the event a prisoner claims to be a juvenile and these claims were later proved false, the arresting officer shall note this in the remarks section of the jail intake form.

IV. COUNTY JAIL PRISONER BOOKING

- A. All prisoners will be thoroughly searched prior to placing them in the County Jail, and all weapons or articles that could be used as weapons will be removed from their person. SDSA Jail personnel are not armed, and it is important that no weapons be allowed in the jail through faulty searches. Supervisors will take appropriate action for violations.
 - 1. All medication will be taken from prisoners and given to jailer, along with other items above.
- B. County Jail will not accept any type of food, liquor or beer. Prisoner should be advised at time of arrest, and it will be up to him/her to make arrangements for their disposal.
- C. Property, money, clothing or any other item needed as evidence must be taken from the prisoner prior to booking. After booking, it will require a court order to remove any items from prisoners' property.
- D. Entry to the jail is all the way around to the rear of the court complex. Parking spaces are provided for violent/non-violent prisoners. Male and female entries are clearly marked, and gun lockers are provided so that no weapons enter the jail.
- E. Arresting or transporting officers will not leave the jail until the Intake Deputy approves the Inmate Intake Form.
 - 1. Arresting officer will be responsible for filling out the Inmate Intake form.
 - 2. Print last name, first name, and middle name. Write in "NMN" for no middle name, or the initial in quotation marks if the prisoner has only an initial; e.g., "J". The arresting officer must use all available means to assure that the name given is the prisoner's true name. Subject will be booked under the name appearing on the Inmate Intake Form.
 - a. "John Does": County Jail will not book a subject as "John Doe." If you have a subject who will not identify himself, fill out as much information as possible and indicate in the remarks section why the rest

of the information is not available. Jail personnel will call and notify us when the subject is identified. You can write “John Doe” along the top margin of the slip above the space for the name.

3. In the “Charges” section:

Indicate the charges by section number, subsection number, code, and a brief explanation; e.g., 487.3 P.C., Grand Theft, Firearm.

4. Information such as AKAs, injuries, vehicle description and location must be identified in the remarks section. Note where vehicle is located, parked, towed, impounded, etc.
5. Before leaving the County Jail, the officer should obtain the County Booking Number on the right half of the form. This is done almost immediately upon the jail receiving the prisoner. If there is going to be a delay, then return to Escondido, and the Watch Commander or Records will phone for the number later.
6. Retain the last copy of the Inmate Intake Form (Agency) and turn it into the Records basket in the Watch Commander’s office as soon as practical during the shift.

F. Amending Charges

1. To add, delete or amend charges before a prisoner has been completely booked, merely tell the jail personnel. Be sure to note amended charges in your arrest report.
2. To add, delete or amend charges after a prisoner has been booked, a copy of SDSD Form SO-24 must be filled out and delivered to the jail (Appendix 1).

G. Evidence Procedures

1. If jail personnel find evidence or contraband on a prisoner after the officer has left the jail, the arresting agency will be called to have someone return to take appropriate action.
2. Once a prisoner is booked and his property is logged into the system, it cannot be given to the investigating or arresting officer without a court order. All property needed as evidence should be seized before it is entered on the booking sheet.
3. Paper suits are available at the Escondido Police Department, and jail clothes will be available at the jail for prisoners whose clothing is seized for evidence. If jail clothes are issued, the prisoner will have to call someone to bring clothing before he is released.

4. Note under remarks section of the Inmate Intake Form the type of property seized as evidence. This will let jail personnel releasing the prisoner know where the property is when the prisoner inquires and save them from trying to locate it elsewhere.

V. INJURED PRISONERS

- A. The Watch Commander will be notified immediately if a prisoner is injured. The Watch Commander will decide whether to release on an O.R. or to book. Injured misdemeanor prisoners shall be released on a Notice to Appear unless extenuating circumstances exist. Adult felons may be released O.R. with court approval. County Jail has a list of on-call judges who can make these arrangements.
 1. Suspects injured before or during the arrest shall be given emergency first aid and then transported to Palomar Hospital Emergency Room for treatment. If there is cause to believe further injury may occur by transporting in a police vehicle, an ambulance or Paramedics shall be summoned for transportation.
 2. Every unconscious prisoner/suspect will be taken directly to the hospital. Appropriate first aid will be given prior to and during transportation.
 3. Generally, no drugs will be administered to a prisoner. Medication and personal prescriptions will be maintained with the prisoner's property. Notations describing the medication and any relevant facts or information concerning the prisoner's medication and health care implications shall be entered on the arrest report. If medical care is necessary, emergency health care services will be activated. If a prisoner claims a health risk without having the medication, consult the advice of a physician or appropriate health care professional immediately. If a police employee is directed to dispense medication/drugs to a prisoner by an appropriate health care professional, complete documentation of the circumstances is required. All personnel transporting prisoners to other facilities having medication or prescription drugs in a prisoner's property will notify the receiving facility's personnel of all information concerning the drugs/medication.
 4. The notification of medical, psychiatric, and drug/prescription information to the receiving facility intake personnel shall be accomplished in the following manner:
 - a. The arresting officers shall inform the transporting officers of relevant medical / psychiatric conditions of the prisoner along with pertinent information concerning drugs and prescription medications regarding the prisoner prior to transport to the receiving facility. A notation of the medical and/or psychiatric condition of the prisoner shall be entered in the Arrest Notes section of the RMS Booking Intake/Personal Property

Inventory form. For example, “Paranoid-Scyzhoprenic,” “Diabetic,” “Bi-Polar,” etc.

- b. Medications and prescription drugs sealed and attached to the prisoner property shall be so noted under the ~~in the~~ Additional Property Remarks section of the RMS Booking Intake/Personal Property form. For example, “Pain medication attached,” “Bi-polar medication attached,” “Insulin attached,” etc.
 - c. Transporting officers shall verbally communicate the information to the receiving facility intake personnel concerning whatever information is known regarding medical/psychiatric conditions of the prisoner and information concerning what is known about the attached medications, drugs and/or prescriptions.
- B. Prisoners with certain minor injuries may be accepted at the County Jail if the duty nurse can provide treatment. The SDSJ jailer must be advised of injuries and will make the final decision on accepting the prisoner.
1. Prisoners who have been treated at the hospital and released by the doctor as able to be incarcerated will be accepted at County Jail. Obtain two copies of the Injured Prisoner Report. Retain one copy with your arrest report and give the other to the SDSJ jailer at the time of admittance.
- C. Hospital Arraignment – Adult and Juvenile
1. A felony prisoner admitted to the hospital and remaining in the custody of the Escondido Police Department may need to be arraigned while in the hospital. A prisoner remaining in the Department’s custody must remain under the guard of Department personnel until the arraignment or detention hearing.
 2. ADULTS - Hospitalized adult defendants fall under the same guidelines as persons booked into the County Jail. Defendants must be arraigned within 48 hours after arrest. Refer to the San Diego County District Attorney’s Office (SDCDA) Adult In-Custody Defendants Filing Deadlines.
 3. In cases where a prisoner is to remain in the hospital and in the Department’s custody, arrangements for scheduling an arraignment must be coordinated through the SDCDA - North County issuing 760- 806-4000. In order for the District Attorney’s Office to facilitate the arraignment, the completed case should to be presented to North County Issuing at least one day prior to the scheduled arraignment.

An Escondido Police Department representative will coordinate with North County Issuing to ensure all the necessary reports, documentation, and booking paperwork are completed. The Department recognizes that the Patrol Division is not the best entity to handle the long-term coordination required

to facilitate the arraignment. The Department representative will be chosen from either the Investigations Bureau or, if traffic related, the Traffic Division (i.e., pursuit and/or collision).

It is the responsibility of the duty Watch Commander to notify either the Investigations Bureau or the Traffic Division if there is a potential for a hospital arraignment. The notification will be made as soon as there is sufficient information from the hospital that the suspect will require long-term care (over 48 hours) or there are obvious signs that the suspect will require long-term care (over 48 hours). The purpose of the early notification is to allow time for planning or for any follow-up that may need to be conducted.

4. SDCDA - North County Issuing will coordinate with the Court's Business Office to schedule a judge and court reporter.
5. Custody of the prisoner can be transferred to the San Diego County Sheriff's Department (SDSD) once the prisoner has been arraigned. Coordination for the transfer of custody is handled through the Vista Jail Intake Processing Sergeant 760-940-4479. Notification of the pending arraignment and custody transfer should be made to the Vista Jail Intake Processing Sergeant as soon as the arraignment date and time has been established. Coordination of the required paperwork (Booking Intake/Personal Property Inventory) necessary for the transfer of custody will be handled through the Vista Jail Intake Processing Sergeant.
6. A prisoner requiring long-term medical care may be transferred to the detention section of Tri-City Hospital in Vista by the Sheriff's Department after the transfer of custody.
7. MINORS - Hospitalized minors fall under the same guidelines as persons booked into Juvenile Hall. A petition must be filed against the minor within 48 hours of arrest.
8. In cases where a minor is to remain in the hospital and in the Department's custody, arrangements for scheduling a detention hearing must be coordinated through the SDCDA-Juvenile Branch Issuing Unit at 858-694-4259. In order for the District Attorney's Office to facilitate the detention hearing, the completed case should be presented to the Juvenile Branch of the District Attorney's Office (2851 Meadow Lark Drive, San Diego, CA 92123) at least one day prior to the scheduled detention hearing.

An Escondido Police Department representative will coordinate with the Juvenile Branch to ensure all the necessary reports, documentation, and booking paperwork are completed. The Department recognizes that the Patrol Division is not the best entity to handle the long-term coordination required to facilitate the arraignment. The Department representative will be chosen

from either the Investigations Bureau or, if traffic related, the Traffic Division (i.e., pursuit and/or collision).

It is the responsibility of the duty Watch Commander to notify either the Investigations Bureau or the Traffic Division if there is a potential for a hospital arraignment. The notification will be made as soon as there is sufficient information from the hospital that the suspect will require long-term care (over 48 hours) or there are obvious signs that the suspect will require long-term care (over 48 hours). The purpose of the early notification is to allow time for planning or for any follow-up that may need to be conducted.

9. SDCDA - Juvenile Branch Issuing will coordinate with the Court's Business Office to schedule a judge and court reporter.
10. Custody of the minor can be transferred to the San Diego County Probation Department once the minor has received a detention hearing. Coordination for the transfer of custody is handled through Juvenile Hall's Detention Control Unit (DCU) at 858-694-4505. Notification of the pending detention hearing and custody transfer should be made to the DCU as soon as the date and time of the detention hearing has been established. Coordination of the required paperwork necessary for the transfer of custody will be handled through the DCU.

D. Mentally Disordered Prisoners

See Department Instruction 4.22 "Mental Illness Evaluation Procedure," Section XV.

VI. WARRANT PROCEDURES

- A. An arrest based on the warrant alone: The teletype warrant abstract must be taken to the jail with the prisoner or they will not be accepted. (Xerox copies of abstracts and telephone abstracts are not acceptable.)
 1. If we hold the original warrant, we will take it to the County Jail with the prisoner.
- B. If subject is arrested for any other charge besides the warrant, just book on the charged sections and indicate in remarks section that a warrant may be outstanding for the subject. County Jail personnel will always run a warrant check on a prisoner before they are released on other charges and will add the warrant at that time.
- C. Abstract must contain the:
 1. Warrant number
 2. Court of issuance
 3. Issuing judge

4. Date of issue
 5. Charges
 6. Amount of bail
- D. County Jail will not accept out-of-state prisoners on an NCIC “hit” only (1551.1 P.C.). The arresting officer must also provide the jail with:
1. Fact that the warrant was confirmed;
 2. Name of the agency holding the warrant;
 3. Phone number of the agency;
 4. Name of the person confirming the warrant at the agency;
 5. Notification that a teletype warrant is en route to the County Jail with the warrant data.
- E. Outside agencies should be advised at the time we serve their warrants that the subject will be at County Jail, and they should contact County Jail for any further information.
- F. With a warrant of arrest, only the charge stated on the warrant goes in the “Charges” section. The type of warrant, warrant number, and bail shall be listed under “Remarks.”

VII. ARREST REPORTS

- A. The arresting officer will complete their arrest report prior to securing from their shift and turn it into the Watch Commander for approval.
- B. Note the SDSB Booking Number, when known, on all reports and related cases so that all pertinent information will be identified and cross-indexed.
- C. Use Escondido Police Department case numbers, when known, in addition to the SDSB Booking Number.
- D. Disposition Sheets: Records personnel must put the SDSB Booking Number on disposition sheets. This is the only number on the fingerprint card prepared by the County Jail. These numbers must match on the fingerprint card and on the disposition sheet for DOJ purposes.

VIII. ARREST LOG

- A. Each morning, the Watch Commander will turn in the Arrest Log to the Records Division. Records will maintain a copy of the Arrest Log and use it as a check against completed cases.

IX. MISCELLANEOUS

- A. Probable-cause arrests for outside agencies may be booked into County Jail. However, since no warrant is involved, SDSD will schedule arraignment into our local court in three days unless the outside agency contacts them and makes other arrangements to pick them up.
- B. Mass Arrests: When known ahead of time, notify the jail supervisor. This courtesy will give them time to prepare for booking.



ESCONDIDO POLICE CASE NUMBER _____

TO: SHERIFF, SAN DIEGO COUNTY JAIL

FROM: ☐ DISTRICT ATTORNEY
☐ CITY ATTORNEY
☐ SAN DIEGO SHERIFF DEPARTMENT
☐ SAN DIEGO POLICE DEPARTMENT
☒ OTHER Escondido Police Department

SUBJECT: ☐ NOTICE OF NO COMPLAINT ISSUED
☐ CHANGE or DROP CHARGE
☐ DETENTION ONLY

PRISONER'S NAME _____ County Jail Booking No. _____

Last First Middle

☐ No complaint will be issued by the District/City Attorney against the above-named prisoner charged with:

Reason: _____

☐ The charge(s) against the above-named prisoner have been changed or dropped:

Release: _____

Add: _____

- ☐ This is your authority to release the above-named prisoner per Section 849(B)1 PC, subject to any holds now pending.
- ☐ This is your authority to release the above-named prisoner charged with violation of Section 647(F) PC, per Section 849(B)2 PC, subject to any holds now pending.
- ☐ This is your authority to release the above-named prisoner per Section 849.5 PC, subject to any holds now pending.

Signature _____ Date _____

Department/Office _____

To be prepared in duplicate and signed by addressor. Give both copies to Deputy Municipal Court Marshal for delivery to County Jail. Jail will forward one copy to Records Division.

SO-24 (Replaces Form 285) (Revised 4/76)

ESPD #143 S://Authorized Forms/Change/Drop Charge (08/11)

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-28-25	NO: 1.10 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: SAN DIEGO COUNTYWIDE PURSUIT PROTOCOL	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.10, dated December 29, 2020.

I. PURPOSE

The purpose of this protocol is to provide San Diego County peace officers specific guidelines for conducting vehicle pursuits with the highest consideration for public and officer safety keeping with Section 17004.7(c) of the California Vehicle Code.

II. DEFINITION

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

III. BACKGROUND

- A. A police vehicle pursuit exposes the public, officers, and fleeing violators to the potential risk of death, serious injury, or damage to personal property. Officers may be subject to administrative action for negligent emergency vehicle operation and the entity may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, an officer may be subject to criminal prosecution.
- B. When engaged in a pursuit, officers should weigh the seriousness of the violator's suspected crime against the potential for death or injury if the pursuit is continued. Discontinuing a pursuit in the interest of public safety may be the correct decision.
- C. Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations.
- D. In a pursuit, the violator frequently refuses to give up and the other officer feels an obligation to succeed in the pursuit. The psychological phenomenon can cloud one's judgment and may cause the officer to continue the pursuit beyond the point where common sense and good judgment would require the pursuit to be discontinued.

- E. The Law Enforcement Assistance Network (LEAN) Mutual Aid Radio Communications Protocol is a document describing procedures and channels/frequencies that should be utilized during a pursuit. The LEAN Mutual Aid Radio Communications Protocol is an addendum to this pursuit protocol.

IV. LEGAL REFERENCES

- A. A public entity is liable for death, injury, or damage proximately caused by negligent or wrongful act or omission in operation of a motor vehicle by an employee acting within the scope of employment. (17001 CVC)
- B. A public entity is liable for death or injury to person or property to the same extent as a private person. (17002 CVC)
- C. A public employee is not liable for civil damages resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call. (17004 CVC)
- D. A public agency is immune from liability from injury, death, or damage caused by the collision of a vehicle being operated by an actual or suspected law violator being pursued by peace officers, employed by a public entity if the agency adopts a written policy on vehicle pursuits that meets listed minimum standards. (17004.7(c) CVC) The driver of an authorized emergency vehicle is exempt from the “rules of the road” provided that the red light and siren (defined as “yelp” or “wail” only) of the vehicle are activated. (21055 CVC)
- E. The “rules of the road” exemption does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect him/her from the consequences of an arbitrary exercise of the privileges granted in that section. (21056 CVC)
- F. Upon the approach of an authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light, the surrounding traffic shall yield to the emergency vehicle. (21806 CVC)
- G. The provisions of Section 21806 shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with DUE REGARD FOR SAFETY of all persons and property. The officer should not assume that the right-of-way will be yielded. (21807 CVC)

V. PROCEDURES

When balancing the interests of public safety with effective law enforcement, each officer and supervisor involved in a pursuit should carefully and continuously consider

the following factors in determining whether to initiate, limit, discontinue, or otherwise control the pursuit.

A. Initiating a Pursuit

1. Seriousness of the offense and its relationship to community safety.
2. Safety of the public and the pursuing officer.
3. Traffic conditions (pedestrians and vehicles).
4. Weather conditions.
5. Roadway conditions (road design, construction, surfaces, and visibility).
6. Location/familiarity of pursuing officers with the area of the pursuit.
7. Speed.
8. Time of day.
9. Capabilities and condition of the vehicles involved.
10. Quality of radio communication (Communications Center).
11. Juvenile occupant(s) of vehicle pursued.
12. Capabilities/conditions of involved personnel.

B. Continuation of a Pursuit

A pursuit requires constant evaluation. Each officer and supervisor involved in a pursuit should carefully and continually consider the initiating factors in determining continuance of the pursuit.

C. Discontinuance of a Pursuit

1. The danger posed by continued pursuit, to the officer, the suspect, or the community, is greater than the value of apprehending the suspect(s).
2. Directed to do so by a supervisor.
3. When entering another law enforcement jurisdiction (including military installations), the pursuit should be discontinued when a supervisor of that agency recognizes a condition that constitutes an immediate and life threatening danger to the officers or public.

4. Approaching the International Border (see Section XIII).
5. Factors to consider in determining if a pursuit should be discontinued are the same factors used in pursuit initiation, plus:
 - a. Suspects driving on the wrong side of divided highway and/or against oncoming traffic.
 - b. Location of the pursued vehicle is no longer known.
 - c. Positive identification of suspect(s) will enable law enforcement to apprehend them at a later time.
6. Officers shall not pursue in opposing lanes of traffic on any freeway or divided highway separated by a raised island and/or center divider except in the most grievous circumstances when imminent danger to life exists beyond the suspect's driving actions. Officers may use discretion on surface streets where it is necessary to utilize a two-way left turn lane, center median, non-raised divider, or opposing lanes of traffic, when necessary to move through congested traffic, as long as such operation is conducted with due regard for the safety of all persons using the highway (per 21056 CVC).

VI. PURSUING OFFICER'S RESPONSIBILITIES

Each officer has the responsibility for safely pursuing the suspect and discontinuing the pursuit when the conditions do not support pursuit driving. Generally, pursuits should be limited to two (2) pursuit units and one (1) supervisor. Each pursuing officer shall activate all emergency lights, to include the solid red light and sound the siren continuously when involved in a pursuit.

A. Primary Pursuit Unit

1. Definition

- a. The Primary Pursuit Unit is generally the vehicle closest to the suspect vehicle.
- b. The Primary Pursuit Unit should remain so until that status is relinquished to another unit either by the Primary Pursuit Unit or as directed by a supervisor.

2. Responsibilities

- a. Upon initiating a pursuit, the Primary Pursuit Unit shall immediately notify the dispatcher that a pursuit is in progress giving:
 - 1) Location;

- 2) Direction of travel and speed;
 - 3) Reason for pursuit;
 - 4) Description and license plate number of the suspect vehicle;
 - 5) Number of occupants;
 - 6) Identity of occupants, if known;
 - 7) Any other factors necessary to ensure safe and effective pursuit tactics.
- b. During a pursuit, the Primary Pursuit Unit shall continually provide Communications with all the changes to the above, and any other pertinent information until the Secondary Unit takes over “calling the pursuit”.

B. Secondary Unit

1. Definition

- a. The Secondary Unit is normally the vehicle immediately following the Primary Pursuit Unit.

2. Responsibilities

- a. The Secondary Unit, if not assigned, shall notify Communications immediately when they enter the pursuit.
- b. The Secondary Unit shall be prepared to take over primary responsibility for the pursuit, if necessary.
- c. The Secondary Unit involved in a pursuit, under most circumstances, should take over “calling the pursuit” and providing relevant information via the radio.

C. Assisting Units

1. Assisting units require the approval of the pursuit supervisor.
2. All units that enter the pursuit shall notify Communications immediately.

VII. ADDITIONAL UNITS

A. Officers in all other units shall:

1. Remain alert to the pursuit progress and location;
2. Stay out of the pursuit, unless specifically requested to join by the Primary Pursuit Unit or supervisor;
3. Minimize radio transmissions to the frequency being used for the pursuit;
4. Move to an alternate channel/frequency as directed.

VIII. SUPERVISORY RESPONSIBILITIES

Upon notification of a pursuit in progress, the field supervisor and/or Watch Commander assumes the responsibility to monitor and take appropriate action for pursuit control.

- A. All sworn supervisors and/or Watch Commanders may order a pursuit discontinued when, in their judgment, the potential safety risks outweigh the need for apprehension.
- B. The supervisor shall ensure that no more units than necessary are involved. Assisting units may be added for safety and security, with the supervisor's approval.
- C. The supervisor shall consider the following in deciding to add units:
 1. The type of vehicle being pursued;
 2. The seriousness of the offense;
 3. The danger that the occupants of the vehicle being pursued pose to others;
 4. The number of occupants in the suspect vehicle;
 5. Capability(ies) of the additional unit(s), such as:
 - a. Canine;
 - b. Presence of ballistic door panels in patrol cars;
 - c. AR-15/M4 equipped;
 - d. Possess long-range less-lethal weapons.
- D. When more than two units are permitted to participate in a pursuit, the supervisor shall as soon as reasonably possible, direct the additional units to discontinue the pursuit.

- E. The supervisor shall make continual assessment during the progress of a pursuit. Factors to be considered include pursuit speed, suspect's actions, weather conditions, vehicle and pedestrian traffic levels, roadway and environmental conditions, if juveniles occupy the suspect vehicle, if identification of suspect(s) enables law enforcement to apprehend them at a later time.
- F. The supervisor shall ensure that affected allied agencies are notified of the pursuit and specific assistance requested, if needed, including canine and air support.
- G. The supervisor or designee shall, when possible, contact pursuing officers at the location of the pursuit termination to provide on-scene supervision, coordination, evaluation and debriefing.
- H. The supervisor shall ensure vehicle pursuits are reported to the California Highway Patrol on an approved form as mandated by the California Vehicle Code. Each pursuit shall be evaluated for compliance with all codes and policies and appropriate corrective action initiated.
- I. It is the responsibility of the supervisor who monitored the pursuit to email the pursuit's incident number to the Dispatch Supervisors email group.

IX. COMMUNICATIONS CENTER RESPONSIBILITIES

- A. Upon being notified that a pursuit is in progress, Communications shall:
 - 1. Ensure that a supervisor is assigned to the pursuit;
 - 2. Notify surrounding law enforcement agencies of the pursuit, specify if assistance is needed, and specific support requested;
- B. During the pursuit, Communications shall:
 - 1. Monitor all radio traffic concerning the pursuit;
 - 2. Move all other radio traffic to an alternative channel/frequency, if necessary;
 - 3. If a Canine Unit is involved in the pursuit, the radio dispatcher shall broadcast that information for officer safety purposes.
 - 4. Ensure that the proper channels/frequencies are utilized, in compliance with the Law Enforcement Assistance Network (LEAN) protocols. Those Communications Centers unable to fully comply with the LEAN protocols due to equipment limitations may disregard those protocols with which they are unable to comply.

X. MOTORCYCLE UNITS

- A. Relinquish the primary position to the first marked four-wheeled vehicle unless the circumstances are such that a motorcycle is the safest means of continuing a pursuit (i.e., heavy traffic, inaccessible roadways).
- B. Relinquish the secondary position when the second marked four-wheeled vehicle joins the pursuit unless the circumstances are such that a motorcycle is the safest means of continuing a pursuit (i.e., heavy traffic, inaccessible roadways).
- C. Assisting motorcycle units will disengage from a pursuit and no longer participate when directed to do so by a supervisor.

XI. UNMARKED UNITS

- A. Unmarked units, without emergency equipment, shall not join in a pursuit.
- B. Officers in unmarked vehicles without emergency equipment may become involved in emergency activities involving serious crimes or life endangering situations. In those instances, it may be necessary to follow a suspect vehicle while summoning assistance from a marked vehicle with emergency equipment. When officers in unmarked vehicles become aware that a marked unit has arrived, the unmarked unit will disengage.
- C. Unmarked units, with emergency equipment, participating in pursuits shall relinquish the primary position to the first marked four-wheeled vehicle.
- D. Relinquish the secondary position when the second marked four-wheeled vehicle joins the pursuit.
- E. Assisting unmarked vehicles will disengage from a pursuit and no longer participate when directed to do so by a supervisor.

XII. AIRCRAFT ASSISTANCE

- A. Units involved in pursuits should request air support assistance.
- B. Aircraft can provide valuable information to ground units concerning upcoming traffic congestion, hazards, or other factors which might endanger the safety of the officer(s) or the public.
- C. Law enforcement aircraft will normally “call the pursuit”.
- D. Once the aircraft is in position, it may be prudent to discontinue the ground pursuit until the vehicle stops. At that point, the air crew can direct ground units into positions to establish a perimeter and assist with apprehension of outstanding suspects on foot.

XIII. PURSUIITS APPROACHING THE INTERNATIONAL BORDER

- A. Under no circumstances will pursuing units cross the International Border.
- B. Officers shall remain at least fifty (50) feet from the International Border.
- C. Pursuits approaching the San Ysidro Port of Entry, where the fleeing vehicle is wanted for minor, non-violent violations should be discontinued a minimum of one mile prior to the International Border, subject to supervisory discretion.
- D. In those pursuits where the fleeing vehicle is wanted for violent felony, involved agencies shall use mutually agreed upon tactics as a basis for apprehension when the pursued vehicle reaches the International Border.
- E. In order to give warning to Mexican authorities and to provide them an increased degree of safety, U.S. Customs and Border Protection and the San Diego Police Department will be advised by the involved agency of any pursuit heading southbound south of Interstate 8. They in turn, will advise the Mexican authorities. This shall occur whether or not the pursuit is discontinued. Every effort should be made to update the U.S. Customs and Border Protection and the San Diego Police Department when a pursuit is terminated prior to the International Border.
- F. In the event the pursuit is terminated prior to the International Border, Mexican authorities shall be advised by U.S. Customs and Border Protection and the San Diego Police Department.
- G. (CHP ONLY) Pursuits meeting the above criteria, in which the CHP is the primary agency, should be discontinued at the discretion of the pursuit supervisor at the following locations.
 - 1. Southbound Interstate 5 at Dairy Mart Road;
 - 2. Southbound Interstate 805 at Interstate 905;
 - 3. For purposes of this protocol, “discontinued” is defined as pursuing vehicles turning off all emergency equipment and exiting the freeway.

XIV. USE OF FIREARMS

Officers should refer to Department Instructions 1.5 – Use of Firearms and 1.24 – Use of Force and Use of Force Committee.

XV. FORCIBLE STOPS

- A. A forcible stop is defined as one in which a vehicle or other object is used to physically stop or otherwise alter the course of another vehicle’s movement. These

tactics include ramming of vehicles, Pursuit Intervention Technique (PIT), box-ins, channelization, barricades, or placing of objects in the path of the vehicle. Depending on the circumstances of the pursuit, these tactics may be considered deadly force.

- B. These tactics shall only be used when the involved officer's agency policy permits its use, and then only when the suspect's actions constitute an immediate and life threatening danger to the public.
- C. If barricading is deemed absolutely necessary, a supervisor may approve the use of police vehicles if no other suitable equipment is available. In no case will roadways be barricaded by occupied vehicles.

XVI. INTER-AGENCY PURSUITS

The guidelines formulated for inter-agency pursuits are designed to provide for the safe coordination of pursuits involving more than one agency. Agencies requested to assist, or receive the transfer of, a pursuit from another agency will continue to balance the interests of public safety in determining whether or not to provide the requested assistance or receive the transfer.

A. Notification

- 1. When a pursuit is approaching or entering another jurisdiction, the agency with primary responsibility for the pursuit shall notify the appropriate agency for that jurisdiction. This shall be accomplished utilizing one of the various radio talkgroups as defined by LEAN protocols (LE NCMD, LE SCMD, LE ECMD, and BLUE1).
- 2. At the first practical moment, the controlling agency will patch and announce the pursuit over the appropriate radio talkgroup (LE NCMD, LE SCMD, LE ECMD, and BLUE1). This announcement shall include the following:

- a. "This is (agency) on (talkgroup) patching a pursuit that is (location)."

This notification will not be construed as a request for assistance. The purpose of this announcement is to notify allied agencies of the pursuit so that they may monitor its progress.

- b. "At this time, (agency) is not (or, is) requesting assistance."

If a request for assistance is broadcasted, the originating agency should attempt to be specific as to the type of assistance required (i.e., the involvement of a K9 unit, deployment of spike strips, etc.).

If a transfer of the pursuit is to be requested, the originating agency shall broadcast:

- c. “This is (originating agency) to (transferring agency). We are requesting that you take over the pursuit.
 - 3. When the initial call is made, Communications will transmit to allied agencies the following information:
 - a. Direction of travel, location, and speed;
 - b. Vehicle and suspect description;
 - c. Officer safety considerations;
 - d. Type of crime;
 - e. Number of occupants;
 - f. Number of units involved;
 - g. Unit designator of supervisor involved;
 - h. Radio frequency(ies) being used;
 - i. Air support being used/or requested;
 - j. Unit designator(s) of officer(s) involved;
 - k. Canine involvement.
 - 4. The Primary Pursuit Unit, or Pursuit Supervisor should specify if assistance is needed and the type of assistance requested.
 - 5. The allied agency(ies) will assist the initiating agency only by specific request and will provide only the specific services requested.
 - 6. On all requests for assistance or transfer, the agency receiving the request shall identify the supervisor accepting or declining the request.
- B. Communications
- 1. Communication operators should clarify any requests for assistance with the requesting agency and obtain pertinent information as previously listed.
 - 2. Communications shall notify a sworn supervisor of the request and receive direction for the degree of involvement provided to the requesting agency.

3. In addition to a formal request by an allied agency, officers may be summoned by hand/arm gestures and/or verbal requests. If officers respond to these types of requests, the officer shall immediately notify Communications and the supervisor.
4. During pursuits involving allied agencies, communication centers shall provide coordination between pursuing units and allied agencies including:
 - a. Continuously monitor progress of the pursuit, transmitting pertinent information and updates;
 - b. Coordinate radio communication on the appropriate mutual aid frequency in compliance with the LEAN Mutual Aid Communications protocols;
 - c. Relay information via telephone if radio communications from car to car fail.

C. Procedures

1. Units shall not join in an active pursuit unless specifically requested and then only with the approval of a supervisor or as authorized by Communications.
2. Once a pursuit has been initiated, the initiating agency will generally retain jurisdiction and control of the pursuit, even when the pursuit enters another jurisdiction.
3. When entering another law enforcement jurisdiction, the pursuit should be discontinued when a supervisor of that agency recognizes a condition that constitutes an immediate and life threatening danger to the public or officers.
4. The California Highway Patrol (CHP) may respond to a specific request for assistance on pursuits conducted on the freeway system. Once in place, the CHP will assume control of the pursuit until they relinquish it. When CHP has control of the pursuit, all other units will discontinue their involvement unless specifically requested by the CHP.
5. When entering another agency's jurisdiction, the Primary Pursuit Unit or the pursuit supervisor should determine if the allied agency should be requested to assume the pursuit.
6. An allied agency, which accepts responsibility for the pursuit may elect to proceed with or discontinue the pursuit.
7. The officer with initial probable cause and/or that officer's supervisor should trail the pursuit at a reduced speed.

8. Pursuits should be managed by one Communications Center only. That Communications Center should create the appropriate radio patch with mutual aid channels/frequencies (in compliance with the LEAN protocols) to allow allied agencies to assist as requested, or monitor for their safety.
9. Allied agencies' units involved in the pursuit should switch to the appropriate mutual aid channel and should communicate with the managing Communications Center in compliance with the LEAN protocols.

D. Military Police Pursuits On/Off Military Installations

Pursuits into Military Installations: It is the policy of all military installations to attempt to stop the threat at the gate entrance rather than allow the threat onto the installation. NOTE: Most military installations are equipped with systems to violently stop vehicles from entering their jurisdiction. Officers should exercise caution when following a suspect vehicle onto any military installation.

If the suspect and pursuing officers gain access onto a base, they will be allowed to continue to pursue, however, Military Police units will assume the primary pursuit positions and take control of the pursuit as soon as they become involved. If an arrest is made on a military installation by local, county and/or state agencies, an arrest warrant may be required to gain physical custody of the suspect(s). Arresting officers shall coordinate custody issues with the on-site Military Police/Provost Marshal's Office.

Military Police Pursuits leaving an installation: In any case where Military Police initiate a pursuit that leaves a military installation, they can remain actively involved in a pursuit until a minimum of two marked local, county and/or state law enforcement vehicles join the pursuit, and that agency assumes the pursuit.

E. Transfer

1. Responsibilities of the Stopping Agency

- a. Notify all involved agencies that the pursuit has ended, its location, and supervisor to contact.
- b. Provide a supervisor at the location(s) where the pursuit ends for coordination with other agencies.

2. Responsibilities of Involved Agencies

- a. The agency of the officer who initiated the pursuit shall ensure that the officer with probable cause (or that officer's supervisor) contacts the stopping agency's supervisor to provide assistance.

- b. All agencies with information, witnesses, or criminal charges related to the pursuit shall contact the stopping agency.
 - c. All agencies involved in the pursuit shall provide supplementary reports as requested by the stopping agency or the booking agency (if different.).
3. Prisoner Processing
- a. Absent more significant charges against the suspect(s) by another agency, custody and booking of the suspect(s) shall be the responsibility of the agency initiating the pursuit.
 - b. The agency assuming custody shall be responsible for processing, booking and all related reports.
4. Traffic Collision Investigation
- a. The investigation of traffic collision(s) resulting from the pursuits shall be the responsibility of the agency where the collision occurred;
 - b. The agency with jurisdiction over the collision scene will be the only agency to file the official collision report of record with the State of California. Involved agencies may conduct a concurrent, administrative investigation, as needed, to meet agency specific needs for internal review.

XVII. PURSUIT REPORT REQUIREMENTS

- A. All agencies involved in a vehicle pursuit will submit pursuit reports to the California Highway Patrol within 30 days as mandated by law.
- B. The field supervisor shall include a factual evaluation concerning compliance with the Department's pursuit policy.
- C. It is recommended that departments analyze the reports to identify specific problem areas which include, but are not limited to the following items:
 - 1. Pursuit-related collisions
 - 2. Policy violations
 - 3. Training needs
 - 4. Equipment issues
 - 5. Officer safety concerns/tactical methodology

6. Policy or legislative concerns

XVIII. COUNTYWIDE PURSUIT PROTOCOL EVALUATION COMMITTEE

- A. Representation – Each participating agency will select a representative from their agency to participate as a committee member to evaluate the protocol.
- B. Evaluation – An annual evaluation will take place no later than July 30th. Additional meetings/reviews may be held as needed. The hosting agency for the following year will be established at the final meeting.
- C. The head of any participating agency may request the Pursuit Protocol Evaluation Committee to convene at any time after a pursuit to evaluate the protocol effectiveness.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-24-25	NO: 1.11 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: TRANSFERS WITHIN THE DEPARTMENT - POLICE OFFICERS AND CSOs	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.11 Administration, dated December 5, 2024.

I. PURPOSE

In order to achieve the goals of the Police Department, the Chief of Police has the responsibility of assigning and transferring personnel within the organization. This Instruction establishes the general policy that will be followed in making assignments, establishes the personal qualifications required, sets out the procedures to be followed by personnel when requesting or recommending an employee transfer, and provides guidelines for the testing process.

II. DEFINITIONS

- A. Primary Duty Transfer/Assignment—A transfer to a full-time primary work assignment.
- B. Collateral Duty Transfer/Assignment—A transfer to a collateral duty, part-time work assignment.

III. GENERAL

The Chief of Police shall retain the right to make specialized job assignments and to transfer personnel to meet the needs of the Department. This may include the selection of probationary personnel who have demonstrated having the necessary knowledge, skills, and abilities to perform the assignment needing to be filled.

IV. APPLICATIONS/ELIGIBILITY LISTS

Primary Duty Assignment Transfer Requests will be submitted by police officers and community service officers (CSOs) within two weeks of the announcement of a transfer opportunity. Each unit will be responsible to conduct and complete the testing process as soon as they anticipate an opening. Eligibility lists will remain in effect for one year. The Chief of Police may, at his/her discretion, extend eligibility lists up to an additional year. If an eligibility list becomes exhausted and another transfer is pending, that unit may develop another eligibility list. Active eligibility lists will be maintained by the unit conducting the testing and by Police Administration.

Collateral Assignment Transfer Requests will be submitted as openings become available and when no current list is available for use.

V. QUALIFICATIONS

A. General Requirements for Transfer

1. Before recommending candidates for transfer, the commanding officers shall carefully consider overall police experience, ability, oral and written expression, initiative, alertness, judgment, resourcefulness, integrity, motivation, appearance, and education. Commanding officers will also consider the applicant's time commitment to other assigned collateral duties, the applicant's ability to handle multiple duties, and how the duty being applied for will impact the applicant's primary duty assignment. Officers will only be able to have two significant collateral duties (SWAT Range, FTO, D-TAC) at one time and will not be able to participate in any other collateral duties if they are assigned to two of the above listed duties. If an officer is assigned to two of the above listed duties and wants to apply for a different one, he/she must be willing to resign from one of the previously held duties if selected for the new assignment. The Chief of Police may authorize multiple collateral duties based on the needs of the Department.
2. Several transfers/assignments are for a specified time period. All employees should carefully consider their level of commitment prior to placing a transfer request. The Department invests heavily in the training and equipping of personnel for specialized assignments. The Chief of Police may reduce or extend any assignment based on the overall needs of the Department.

Officers are not precluded from the transfer process before their time commitment in a specialized assignment is complete. However, the Department retains the right and will carefully consider the needs of the Department before making a transfer prior to an assignment being completed.

The goal of rotational positions is to expose as many people to different assignments as possible. However, officers who have just completed a rotation or who have worked the position in the past are not precluded from applying for that position again.

3. Candidates must be self-disciplined and able to function with a minimum of supervision. It is essential that they be a "self-starter."
4. At the time of appointment to the desired transfer position, police officers must have completed probation, obtained a basic P.O.S.T. certificate, and have a minimum of two years of sworn police officer experience. (The two-year experience requirement may be satisfied by one year sworn experience

at the Escondido Police Department coupled with one year of sworn experience from another law enforcement agency.) The two years of experience starts from the time an officer begins field training. If the officer will not meet the minimum time requirement during the period the list is active, they will not be allowed to put in the transfer request and participate in the process. CSOs must have completed probation.

5. The most recent 12-month (annual) Employee Performance Evaluation must be “meets standards” or higher overall.
6. Officers may not apply for transfer to any position involving the training of other officers for a period of three years after a sustained abuse of force complaint. (Govt. Code § 7286(b)(18))

B. Specific Requirements for Transfer

PRIMARY DUTY TRANSFER

OPERATIONS BUREAU

1. Field Training Officer – One-Year Assignment for which an officer may continuously reapply.

Basic Requirements

- a. Shall have a POST Basic Certificate.
- b. Shall have two years of sworn experience, one of which was with this Department.
- c. Shall have their current supervising lieutenant’s recommendation based upon the officer’s desire to be a Field Training Officer and their ability to be a superior role model.
- d. Must be willing to schedule time off to accommodate training needs when necessary and carry out the training process on any watch.
- e. Must have a superior working knowledge of the current patrol system.
- f. Must possess the personal qualities necessary to be a positive role model, teacher and evaluator.
- g. Must have organizational and time-management skills to complete daily observation reports in addition to routine reports generated during the shift.
- h. Personnel Records Review - a review of each applicant’s files will occur prior to the selection process to determine if there are any significant achievements or areas of concern.

Testing

1. Sergeant and Current FTO Evaluations—50%
 2. Oral Interview—25%
 3. Trainee Feedback—25% (for existing FTOs)
 4. Case Presentation—25% (for new FTO applicants) `
 - a. Three cases demonstrating job knowledge, investigative and report writing abilities.
 - 1) Crime Report
 - 2) Arrest Report
 - 3) Traffic Collision Report
 - b. Scoring of cases will be based on:
 - 1) Degree of complexity;
 - 2) Overall organization of information;
 - 3) Adherence to report writing format and overall report writing requirements – spelling, grammar, punctuation, etc.
2. Canine Officer (Three-year assignment or service life of dog, whichever is longer).
 - a. Must show an interest in and a fondness for dogs and an ability to convey instructions and commands to dogs.
 - b. Must be willing to provide kennel management, feeding, grooming and sanitation for the dog.
 - c. Must be willing to devote time in the care and training of the dog.
 - d. Must be willing to report for duty on short notice.
 - e. Must be able to provide a proper environment for the dog, including an interest by the officer's spouse and children.

Testing

1. Oral Interview—70%
 2. Personnel Records Review—30%
 3. Police Dog Handling Exercise-Pass/Fail
3. PERT Officer (One-Year Assignment for which an officer may continuously reapply)
 - a. Must have a good understanding of laws relating to mental illness.

- b. Must be able to work in a partnership environment with non-law enforcement personnel.
- c. Must have a strong interest in the mental health system.

Testing

- 1. Oral Interview—70%
- 2. Personnel Records Review—30%

4. COPPS Officer (Three-Year Assignment)

COPPS PERT Officer (Two-Year Assignment)

- a. Shall have shown strong self-initiated activity as a patrol officer.
- b. Must possess effective public-speaking/presentation skills.
- c. Must be able to work in a partnership environment with both law and non-law enforcement personnel.

Testing

- 1. Oral Interview—70%
- 2. Personnel Records Review—30%

5. Crime Suppression Officer (One-Year Assignment)

- a. Shall have shown strong self-initiated activity as a patrol officer.
- b. Willingness to adapt to different working environments and events.
- c. Must be able to work in a team environment.

Testing

- 1. Oral Interview—70%
- 2. Personnel Records Review—30%

6. School Resource Officer (Three-Year Assignment)

- a. Must be able to relate to youth in a positive manner and possess the personal qualities necessary to be a positive role model.
- b. Must have a good basic knowledge of all areas of law enforcement.
- c. Must possess the personal qualities necessary to effectively work with school administrators and teachers.
- d. Must be able to make effective public-speaking talks/presentations to students.

Testing

1. Oral Interview—70%
2. Personnel Records Review—30%

Traffic Division

1. Traffic Officer (includes Motorcycle Officer)
 - a. Must have a good working knowledge of the Vehicle Code.
 - b. Must possess the personal qualities necessary to effectively work as a Traffic Officer.
 - c. Must exhibit proven investigative abilities and interest in the area of traffic accident investigation.
 - d. Motorcycle officer must be able to place the balls of both feet flat on level ground while sitting astride a police motorcycle.

Testing/Further Requirements

1. Applicants for motor officer must possess an M1 license.
 2. Motor officer applicants must pass motor school.
 3. Oral Interview—70%
2. DUI Officer (One-year assignment)
 - a. Must have a good working knowledge of the Vehicle Code.
 - b. Must possess the ability and training to effectively conduct DUI investigations.

Testing

1. Oral Interview—70%
2. Personnel File Review—30%

INVESTIGATIONS BUREAU

1. Investigations Detective

Includes Investigations Rotational Detective Two or Three-year Assignment)
2. General Requirements
 - a. Must have proven investigative abilities.
 - b. Must be knowledgeable in all areas of arrest, search and seizure.
 - c. Must be able to effectively prepare and present a case in court.
 - d. Must be familiar with the use of computer databases as investigative

tools.

Testing

1. Practical Exercise – 40%
2. Oral Interview – 40%
3. Report Review – 20%
4. Written Exam – Pass/Fail

3. Task Force Assignments

All full-time task force positions are five-year assignments. The positions are open only to personnel assigned to the Investigations Division. Exceptions, such as an extension or appointment to a Task Force, may be made at the discretion of the Chief of Police.

Part-time task force assignments do not have a time limit. Duration of assignment to a part-time task force will be managed by the unit supervisor.

4. Special Enforcement Officer (One-Year Assignment)

- a. Must have a thorough working knowledge of narcotics/gang/search laws.
- b. Must be willing to work a flexible schedule.
- c. Must work well in a team environment.
- d. Must have excellent investigative skills.

Testing

1. Oral Interview-70%
2. Personnel Records Review-30%

5. Investigations CSO

- a. Must have investigative ability.
- b. Must be able to type reports accurately.
- c. Must be able to use the computer effectively.
- d. Must be willing to assist detective secretaries in answering phones and dealing with the public.

Testing

1. Oral Interview—70%
2. Personnel Records Review—30%

6. Crime Prevention CSO

- a. Must have a general knowledge of all areas of law enforcement.
- b. Must have a positive attitude about the Department and crime prevention.
- c. Must be able to effectively make media and public-speaking engagements.

Testing

- 1. Oral Interview—70%
- 2. Personnel Records Review—30%

POLICE SUPPORT SERVICES BUREAU

1. Property/Evidence CSO

- a. Must be able to relate well to the public in person and by phone.
- b. Must have good communication skills.
- c. Must be able to multi-task.
- d. Must be able to work in a fast-paced and sometimes stressful environment.
- e. Must be able to lift at least 50 pounds and have no problems with bending/twisting.
- f. Must have a working knowledge of impounding property and safe handling of evidence.
- g. Must be familiar with court procedures in reference to evidence.

Testing

- 1. Oral Interview—70%
- 2. Personnel Records Review—30%

PROFESSIONAL STANDARDS & DEVELOPMENT BUREAU

Training Division

1. Background Investigator/Training Officer

- a. Must have investigative abilities and strong writing skills.
- b. Must have interest in recruitment and training.

- c. Must have positive attitude about law enforcement and the Department.
- d. Must have excellent public relations skills and public speaking skills.

Testing

- 1. Oral Interview—70%
- 2. Personnel Records Review—30%

2. Academy Training Officer (Length of Assignment per Agreement by Chief and Regional Academy)

- a. Must have a minimum of three years of law enforcement experience and have completed probation with the Escondido Police Department.
- b. Must display maturity, sound decision-making ability and express an interest in such assignment.
- c. Must have ability to pass the specific physical fitness test.
- d. Must have strong interpersonal communication skills.
- e. Must possess the personal qualities necessary to be a positive role model, teacher, evaluator and leader.
- f. Must be a self-starter.

Testing

- 1. Physical fitness requirement set by the academy—Pass/Fail
- 2. Oral Interview—70%
- 3. Personnel Records Review—30%

3. Range Master (Three-Year Assignment)

- a. Must have a minimum of one year on the range staff with the Escondido Police Department.
- b. Must have a POST Firearms Instructor certificate.
- c. Must have a POST Rifle Instructor certificate
- d. Must have strong interpersonal communication skills.
- e. Must possess the personal qualities necessary to be a positive role model, teacher, evaluator, and leader.
- f. Must have strong organizational skills.

Testing

1. Oral Interview—70%
2. Personnel Records Review—30%

COLLATERAL DUTY ASSIGNMENTS (SWAT), Emergency Negotiation Team (ENT), Peer Support, Off-Road Enforcement, Command Van Driver, etc.

1. SWAT

Basic Requirements

- a. At the time of appointment, police officers must have completed probation, obtained a basic P.O.S.T. certificate, and have a minimum of two years of sworn police officer experience.
- b. Must display maturity, decision-making ability and express an interest in such assignment.
- c. Must have ability to pass the specific physical fitness test, perform specialized tactical functions, and use specialized tactical equipment.
- d. Must have ability to effectively communicate.
- e. Must have willingness to assume extra work duties for training and operations.

Testing

1. Physical Fitness Qualification—Pass/Fail
2. Firearms Proficiency Qualification—Pass/Fail
3. Written Test—Pass/Fail
4. Oral Interview—70%
5. Personnel Records—30%

2. Emergency Negotiation Team (ENT)

- a. Must have outstanding interpersonal and communication skills.
- b. Must have the ability to function as part of a team.
- c. Must have the ability to react and think quickly.
- d. Must have personal maturity, flexibility, good judgment and patience.

Testing

1. Oral Interview—70%
2. Personnel Records Review—30%

3. Other Collateral Duty Assignments

Testing may be formal or informal at the discretion of the bureau commander. See Section VI.

VI. TRANSFER REQUESTS, RECOMMENDATIONS, TESTING AND SELECTION PROCEDURES

- A. The first step in the process, for the employee desiring consideration, is to submit a completed Assignment Transfer Request form to his/her sergeant, who will review the application, make comments, and forward to his/her lieutenant at the time specific transfer requests are opened for application.
- B. The commanding officer shall review the transfer request to determine qualifications. (See Section V. for details.) If the commanding officer is unwilling to recommend the employee, he/she must advise the candidate and explain fully the reason(s) for such action, so steps to overcome deficiencies may be taken by the candidate. The reasons for not approving the transfer request should also be documented on the transfer application or on an attached memo. Commanding officers will reject an applicant's request if he/she fails to meet all aspects of the requirements or has other work deficiencies at the time that the application is filed.
- C. If the decision is to recommend the employee as a candidate, the commanding officer shall complete the request form by checking the "Recommend Approval of this Request" box and signing the bottom of the form.
- D. The employee will complete a resume outlining his/her past experience, training and education that apply specifically to the position being applied for. The resume shall not be longer than two pages.
- E. The transfer request form and employee resume will be forwarded through the chain of command and must be submitted by the specified deadline.
- F. Additional information or work samples may be requested for specific positions.

VII. TESTING

At a minimum, all qualified candidates for both primary duty transfers and collateral duty transfers will be evaluated utilizing an interview process and a review of personnel records.

A. Primary Duty Transfers

- 1. Oral Interview—Two or more supervisor evaluators; no more than one supervisor from the unit with the transfer opening. Interviews shall consist of scored questions asked of each applicant. Any evaluation of written reports will be scored in this process.
- 2. Personnel Records—These records will be reviewed and scored based upon

employee performance evaluations for the previous two years, paying particular attention to and scoring the categories on the employee evaluation identified as critical to the duty for which the applicant has applied. Seniority may be considered in the event of an overall score with applicants tied.

3. Some primary and collateral duty transfers will have other testing requirements in addition to these three areas and may include such things as physical fitness requirements, driver's license requirements, etc.
4. A sample format of the testing process is attached. Supervisors responsible for administering a formal testing process shall review and follow the attached sample testing format as closely as practical.
5. Testing results shall be reviewed by the appropriate bureau commander prior to certification of the eligibility list. The bureau commander shall retain testing materials for the current year plus the previous year. Active eligibility lists will be maintained by the unit conducting the testing and by Police Administration.

B. Collateral Duty Transfers and Task Force Assignments

The collateral duty and task force transfer process may utilize the same process as primary duty transfers or a more informal process of an informal interview, non-scored review of personnel records, and verbal input from the officer's current/recent supervisors. (The exception to this is SWAT and ENT, which will utilize the formal testing process.)

VIII. ELIGIBILITY LISTS

An eligibility list will be developed from the cumulative testing results and candidates will be placed on the list in the order of their final score in the testing process. Any candidate scoring less than 70% will not be placed on the eligibility lists and will not be considered for transfer to the desired position. Once the eligibility list is established, any qualifying candidate may be selected for transfer from the list, regardless of score.

The Chief of Police retains the right to make specialized job assignments and to transfer personnel to any primary or collateral duty assignment at his/her discretion.

NOTE: CANDIDATES WHO FAIL ANY PHASE OF A TRAINING PROGRAM FOR EMPLOYEES ASSIGNED TO SPECIALIZED UNITS MAY BE DISQUALIFIED AND RETURNED TO THEIR PRIOR ASSIGNMENT.

INTRADEPARTMENTAL AND SPECIALIZED ASSIGNMENT TRANSFER REQUEST	
Name: _____	ID #: _____
Classification: _____	
Date of Appointment: _____	Date of Request: _____
Request Transfer To: _____	
Current Assignment: _____	
Length of Current Assignment: _____ Years _____ Months _____	
Current Collateral Assignments: _____	
Reason for Request: _____	
Total Number of College Units: _____ Degree(s): _____	
Fluent in Foreign Language(s), Specify: _____	
RESUME MUST BE ATTACHED	
Sergeant Recommendation:	
☐ Recommend approval of this request ☐ Do not recommend approval of this request because(specify in detail and discuss fully with employee):	
Comments: _____	
Sergeant's Signature: _____ ID # _____ Date: _____	
Lieutenant Recommendation:	
☐ Recommend approval of this request ☐ Do not recommend approval of this request because(specify in detail and discuss fully with employee):	
Comments: _____	
Lieutenant's Signature: _____ ID # _____ Date: _____	
Bureau Commander Recommendation:	
☐ Recommend approval of this request ☐ Do not recommend approval of this request because(specify in detail and discuss fully with employee):	
Comments: _____	
Bureau Commander's Signature: _____ ID # _____ Date: _____	

ESPD #159 S://Authorized Forms/ Transfer Request (07/19)

SAMPLE FORMAL TESTING PROCESS

ORAL INTERVIEW—70% of the Total Score

The interview will consist of scored questions. There will be a minimum of two interviewers, only one of which may be from the unit with the transfer opening. Any written report review will be included and scored as part of this process.

PERSONNEL RECORDS REVIEW/POLICE EXPERIENCE—30% of the Total Score

Ratings for individual sections of the two most recent evaluations in the personnel file will be scored as follows:

10 Points—Exceptional

8 Points—Highly Satisfactory

7 Points—Satisfactory

0 Points—Needs Improvement/Unsatisfactory

Individual categories selected for evaluation should be areas significant to the assignment being applied for. Ten categories should be selected so each evaluation is worth 100 points. An example for an Investigations transfer might be:

- Performance with minimum instructions
- Common sense/judgment
- Relationships with fellow employees/teamwork
- Amount of work performed
- Completion of work on schedule
- Quality of work
- Organizational skills

Seniority may be considered when there is an overall scored total that results in a tie between applicants.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION		DATE: 08-04-22	NO: 1.12 ADMINISTRATION
TO:	ALL PERSONNEL	SUBJECT:	CIVILIAN COMPLAINT RECEPTION AND INVESTIGATION PROCEDURE
ORIGIN:	CHIEF OF POLICE	RETAIN:	UNTIL FURTHER NOTICE

This Instruction supersedes Department Instruction 1.12, dated September 16, 2020.

I. PURPOSE

To revise and clarify the complaint procedure and to provide for the impartial and expeditious processing of civilian complaints, pursuant to applicable legislation.

II. INTRODUCTION

The Escondido Police Department believes a relationship of confidence and trust between the Department and the public is essential to its effectiveness as a professional law enforcement agency. In order for the integrity and efficiency of the Department to be maintained, ALL allegations of misconduct against members of the Department and complaints of inadequate service will be thoroughly and expeditiously investigated.

The Department acknowledges its responsibility to establish a system of external and internal complaint acceptance and investigation protocols to investigate alleged misconduct or inadequate service against any Department personnel. The Department welcomes constructive criticism and valid complaints from within and outside the Department.

III. POLICY

- A. Anyone may file a complaint, if they believe a member of the Department engaged in misconduct. The complaint may be made at any time to any member of the Department. Members of the public may make complaints in any form; including use of the Department's online complaint form; <https://www.police.escondido.org/file-a-complaint.aspx> in person, in writing, by email, at internalaffairs@escondido.org or by phone, at (760) 839-4438.
- B. Complaints of misconduct can be accepted and recorded on the Department's complaint form available at the police station or online. Use of the complaint form is recommended for proper routing, but not required.
- C. Members of the Department who receive a complaint shall courteously assist and cooperate in the expeditious and impartial processing of the complaint.
- D. The Department's Internal Affairs Unit shall have the primary responsibility of investigating complaints.

IV. CATEGORIES OF CIVILIAN COMPLAINTS

A. Category I Complaints

All civilian complaints or allegations lodged against Department members which involve incidents alleging:

1. A member of the Department discharged a firearm at a person;
2. A member of the Department used force that resulted in death or great bodily injury to a person;
3. A member of the Department used unreasonable or excessive force against a person;
4. A member of the Department failed to intervene against another Department member using force that was clearly unreasonable or excessive.
5. A member of the Department engaged in sexual assault or sexual misconduct against a member of the public;
6. Where there is an allegation of dishonesty or violation of a criminal statute;
7. Where there is an allegation of discrimination or bias against another person;
8. Where there is an allegation of unlawful search or arrest of a person.

B. Category II Complaints

All civilian complaints relating to inadequate police service and allegations lodged against members of the Department which are not included in Category I, as listed above.

1. The follow-up investigation of Category II complaints, at the direction and discretion of the Chief of Police, may be investigated jointly by the Department's Internal Affairs Unit and members of the direct chain-of-command for the Department member who is the subject of the allegation.
2. When investigated jointly, the subject's chain-of-command will communicate with and update the Internal Affairs Unit with the disposition of the Category II investigation to ensure proper documentation, reporting and retention of records.

V. PROCEDURE FOR ACCEPTING CIVILIAN COMPLAINTS

- A. Civilian complaints may be received in any format. Complainants are encouraged to complete a paper complaint form and will be offered the option to use the Department's online English or Spanish language complaint forms. Complaints submitted online are automatically forwarded to Internal Affairs. The Online form can be found on the Department's website at <http://police.escondido.org/> by searching for "complaint form" in the website's search box.
1. All oral civilian complainants shall be promptly referred to a supervisor. A supervisor may interview the complainant and document the complaint on a complaint form. If no supervisor is available, the Department member should gather as much information as possible and forward that information to a supervisor. ALL Category I complaints will be referred to Internal Affairs immediately. For all other complaints *not* alleging a Category I offense, the supervisor may evaluate and if no disciplinary action is likely, the supervisor may contact the complainant as soon as reasonably practical to conduct an interview and document the complaint. If a supervisor obtains information that could result in a Department member receiving disciplinary action, the supervisor shall immediately cease any investigative inquiry and refer the matter to Internal Affairs for investigation. The supervisor shall maintain records of their investigation, including their findings and record of chain of command notifications and provide the information to Internal Affairs to be included in the follow up investigation.
 2. Department members are admonished that complaints and/or allegations of complaints are strictly confidential. Department members should not discuss any allegations with other Department members outside of their chain of command.
 3. Department members should encourage complainants to complete and submit the paper complaint form at the time it is given to them. Department members should assist complainants as necessary with completing the complaint form. Department members who provide complainants with a paper complaint form to be filed at a later date, or refer a complainant to the online complaint form shall gather as much information as possible, as outlined in Section B of this Instruction. The Department member shall forward that information to a supervisor or Internal Affairs.
 4. A civilian requesting to speak directly with an Internal Affairs investigator should be given the Internal Affairs public number, (760) 839-4438.
- B. Use of the Department complaint form helps ensure complete and accurate information is obtained. If the form is not used, Department personnel shall attempt to gather the following information:

1. Name, address, telephone number, and email address of the complainant and any additional information indicating where the complainant may be contacted. Complete military addresses should be obtained from military personnel.
 2. The specifics of the allegation should be obtained, including the date, time, and location, incident or case number.
 3. The name, address, telephone number, and email address of all witnesses should be recorded.
 4. Police personnel involved should be identified, if possible.
 5. Department members are required to record complainant interviews using their Body Worn Camera (BWC), a recorded interview room, a recorded phone line, or other recording device.
 6. If any injury or property damage is alleged, Department members shall take or request digital photographs from the complainant or witness of any alleged injuries and/or property damage.
- C. The Department member taking the complaint shall be responsible for routing the complaint or complaint form through their chain of command, or directly to Internal Affairs if deemed appropriate.
- D. Cal. Pen. Code § 148.6 requires the Department to require a complainant who makes an allegation of misconduct against a peace officer to read and sign the advisory statement attached as Exhibit A. This advisory statement will be provided to the complainant by the Department personnel receiving the initial complaint, or by the Internal Affairs investigator as part of the investigation process.
- E. Although any employee may accept a complaint, the following offices and Department members process complaints as one of their primary responsibilities:
1. Office of the Chief of Police
 2. Internal Affairs
 5. Watch Commander's Office
 6. All other Sworn and Non-sworn Supervisors of the Department

VI. PROCEDURES FOR INVESTIGATION OF COMPLAINTS

- A. Internal Affairs shall have primary responsibility for the investigation of all Category I complaints and all Category II complaints which could result in disciplinary action.

1. In any unusual situation or incident of a critical or emergency nature, the watch commander shall, at his/her discretion, request the immediate assistance of Internal Affairs to consult on the matter and if determined to be the more appropriate course of action, Internal Affairs shall assume the investigation.
 2. If the complaint is made in person, the employee taking the complaint should in every circumstance, record the contact on their Body Worn Camera (BWC) or record the contact in one of the interview rooms adjacent to the lobby and forward as much information as possible to the Internal Affairs Unit.
 3. Anonymous complaints may be investigated at the direction of the Chief of Police.
 4. If a member of the Department files a complaint against another member of the Department, the Chief of Police will make the final decision as to how the matter will be resolved, taking into consideration the nature and sensitivity of the allegation and applicable law.
- B. All complaints against Department personnel shall only be investigated under the direction of supervisory officers or Internal Affairs.
- C. Complaints from persons who have been arrested, under criminal investigation or have pending criminal or civil court proceedings will be reviewed and may be suspended only after consultation with the City Attorney.
- D. If a complaint alleges criminal conduct, the Chief of Police may suspend the Internal Affairs investigation and order a criminal investigation be conducted in accordance with Cal. Govt. Code § 3300.
- E. The Internal Affairs investigator or appointed supervisor will determine the appropriate disposition for each complaint and submit to the Chief of Police for final determination. Dispositions shall be classified as follows:
1. SUSTAINED – means that the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by preponderance of evidence.
 2. NOT SUSTAINED – means that the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.
 3. EXONERATED – means that the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.
 4. UNFOUNDED – means that the investigation clearly established that the allegation is not true.

5. FRIVOLOUS – As defined by Cal. Code Civil Pro. § 128.5(c), Frivolous means totally and completely without merit or for the sole purpose of harassing an opposing party.
 7. RESOLVED – No other method available to close case.
- F. Completed Internal Affairs investigations shall be forwarded to the Chief of Police. At the direction of the Chief, investigations disclosing violations and/or sustained misconduct will be forwarded to the appropriate commanding officer for review and disposition.
 - G. In accordance with Cal. Pen. Code § 832.7, Internal Affairs will notify the complainant of the disposition of the investigation within thirty days of completion. No further information regarding the investigation or disciplinary action shall be disclosed.
 - H. If the complainant is a minor (under 18 years of age) the complaint will be accepted, but if the minor complainant is not accompanied by a parent or legal guardian at the time of making the complaint, the supervisor receiving the complaint will notify and confer with the parent/legal guardian as soon as possible.
 - I. Nothing in this Department Instruction shall prevent or preclude the Chief of Police from ordering an investigation of suspected misconduct in any matter where a complainant has failed to sign a complaint form or in any matter where a complainant has become uncooperative. In such cases, the Chief of Police has the discretion to evaluate the severity of the allegation, credibility of the complaint and any corroborating evidence that exists.

VII. RETENTION OF INTERNAL AFFAIRS COMPLAINT FILES

- A. Internal Affairs shall maintain a file of all complaints. Complaints and investigatory materials are considered part of a peace officer's personnel file. After completion of an investigation, the respective employee will receive an opportunity to review any documents to be placed in a Department or City personnel file. In accordance with Cal. Pen. Code § 832.5 (c), complaints found to be frivolous, unfounded or exonerated shall not be placed in an employee's Departmental or City personnel file.
- B. Complaint investigations will be retained for five years in accordance with the City of Escondido Records Retention Schedule adopted in Resolution No. 2016-32. Complaints may be held longer due to ongoing litigation, employee discipline, or at the direction of the Chief of Police.
- C. Administrative investigations of officer involved shootings or other incidents will be held a minimum of five years in accordance with the City of Escondido Records Retention Schedule adopted in Resolution No. 2016-32.

- D. Accordingly, pursuant to Section 832.5(b) of the California Penal Code, complaints related to any Category I allegations (1 through 8 listed in Section IV) currently in the possession of the Department, where there was not a sustained finding of misconduct shall be retained for a period of five years.
- E. For complaints related to any of the aforementioned items where there was a sustained finding of misconduct, the records shall be retained for a period of fifteen years.

VIII. REQUIRED REPORTS

- A. Internal Affairs shall complete an annual report for the Chief of Police to forward to the Department of Justice, to report the total number of each of the following:
 - 1. Civilian complaints received by the Department under Cal. Pen. Code § 832.5.
 - 2. Civilian complaints alleging criminal conduct of either a felony or misdemeanor.
 - 3. Civilian complaints alleging racial or identity profiling, as defined in Cal. Pen. Code § 13519.4 (e). These statistics shall be disaggregated by the specific type of racial or identity profiling alleged, such as based on a consideration of race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability.
 - 4. The statistics reported shall provide the number of complaints received and the findings within each of the following disposition categories: Sustained, Exonerated, Not Sustained, and Unfounded.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 10-01-20	NO: 1.13 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: HANDCUFFING AND SEARCHING PRISONERS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.13 Administration, dated October 25, 2019.

I. PURPOSE

To provide procedures to be used when handcuffing, searching, and transporting prisoners.

II. GENERAL

Handcuffs are the most effective security tool the field officer has at his/her disposal and should be used to their full advantage. The following rules have been formulated to give directions to all officers regarding the use of handcuffs.

A. Arrests

Unless unusual circumstances exist, officers should not attempt to arrest any person alone. To ensure best practices there should be two officers present when attempting to arrest any person and an additional two officers for any other person to be arrested.

B. Felony Prisoners

All felony prisoners shall be handcuffed with their hands behind them and remain handcuffed whenever they are outside the confines of any jail, unless such handcuff procedure would hamper the conduct of any investigation or the physical condition of the prisoner would preclude such use. In these instances, the officer should obtain supervisor approval and two officers should be present anytime the prisoner is moved outside the confines of the jail.

C. Misdemeanor Prisoners

All misdemeanor prisoners should be handcuffed with their hands behind them, as it is the officer's duty to keep the prisoner safe from harm, protect others, and prevent escape. If, in the opinion of the officer, the misdemeanant need not be handcuffed due to age or physical condition, the officer should receive prior supervisor approval.

D. Exceptions

Juveniles under 14 years, mentally disturbed and physically deformed persons should not be handcuffed, unless to prevent the person or the officer from being injured, or unusual circumstances are present at the time of arrest.

III. HANDCUFFING PROCEDURES

A. Single Prisoner

Prisoners shall be handcuffed with hands behind them. No prisoner shall be handcuffed with his hands in front unless he/she is suffering from a deformity, disability, or some other injury that makes normal procedures impractical.

B. Double-Locking Handcuffs

Handcuffs shall be checked for proper fit and double-locked whenever used. This procedure prevents the arrestee from defeating the lock, and prevents the handcuffs from tightening on the wrist reducing the risk of injury. Double-locking handcuffs also applies when necessary to connect more than one set of handcuffs together; all connecting sections shall be double locked.

C. Handcuffing and Removing Handcuffs in the Holding Facility

1. The arrestee shall remain handcuffed during transport to the police station. The handcuffs should be removed at the police station after a thorough prisoner search is completed. Whenever practical, officers shall use the handcuffing port for both handcuffing and removing handcuffs. While removing handcuffs, officers shall use Department-approved control techniques. Officers shall not, because of apparent change in the attitude of the arrestee, be swayed into removing the handcuffs prior to the arrival at the station or County Jail.
2. When at the police station, officers of the opposite sex should leave prisoners handcuffed until an officer of same sex is available to conduct a thorough search. Prisoners waiting to be searched shall be kept under constant surveillance. When officers of same sex are not available, officers of opposite sex may search prisoners using Department-approved search techniques, but should have a second officer present (preferably a supervisor).
3. Female prisoners will not be housed in the Escondido holding facility without a female officer on duty. If no female officers are available, the female arrestee may be brought into the holding facility for the initial booking paperwork, but then immediately transported to the county jail.

D. Practices to be Avoided

1. Do not handcuff a prisoner to any fixed object, such as a sign post or vehicle doorpost.
2. Do not handcuff a prisoner to yourself.
3. Do not attach one handcuff to a prisoner and use it as a come-along.
4. Do not use one set of handcuffs for two prisoners.
5. Prisoners should not be left unattended within the jail while in restraints. The prisoner restraint chair should be used for uncontrollable violent prisoners. Restrained prisoners should be constantly monitored and be housed alone. Officers maintaining prisoners in restraints while held within jail cells must document such occurrence in the arrest or officer's report [Title 15, Section 1058 of the California Code of Regulations (CCR)]. RE: Department Instruction 4.6.

IV. SEARCHING AND TRANSPORTING

All prisoners shall be carefully searched. (When a prisoner changes custody or control, the prisoner should be searched again.) The officer's life or the life of a fellow officer may be saved if the necessary precautions are taken. The officer's full attention should be kept on the prisoner at all times.

- A. Officers should handcuff persons immediately upon placing them under arrest. Officers should have adequate assistance and utilize Department-approved arrest and control techniques during the handcuffing and searching of prisoners.
- B. Prior to transporting prisoners in a police vehicle, all prisoners will be searched for weapons. When officers of same sex are not available, officers of opposite sex may search prisoners using Department-approved search techniques, but should have a second officer present (preferably a supervisor).
- C. Prisoners should not be left restrained in the back of patrol vehicles for extended periods of time, unless unusual circumstances exist. Officers should be cognizant of temperature and personal necessities of the restrained person when kept in a patrol vehicle for any amount of time.
- D. Officers should remain in visual contact of prisoners left restrained in patrol vehicles. When the officer moves from view of the restrained person for any reason, the officer shall make other arrangements with another officer to maintain security and well-being for the prisoner in the officer's absence. Unless unusual circumstances exist, officers should not roll down rear windows with a prisoner secured in the back seat.

- E. Anytime officers are moving prisoners, they shall keep control of prisoner(s) utilizing Department-approved techniques. Officers should keep prisoners in front of them at all times.
 - F. Upon arrival at the police station, and at the earliest practical moment, the arresting officer will notify the Watch Commander or a supervisor of arrest charges and any unusual conditions existing with their prisoner.
 - G. While in the station, officers shall keep prisoners handcuffed while moving from within the station but outside of the jail confines, unless authorized by a supervisor.
 - H. Officers transporting prisoners from the jail to the hospital or other non-secure facility should utilize leg restraints to prevent prisoners from fleeing. Officers may handcuff prisoners to a hospital gurney while under constant supervision.
 - I. Officers transporting prisoners shall notify Police Dispatch upon departure and arrival via radio or CAD.
 - J. When transporting any person in a vehicle, whether in handcuffs or not, the person should be secured in a seatbelt.
- V. USE OF LR-2 LEG RESTRAINT DEVICE
- A. The LR-2 Leg Restraint (the restraint) is a device designed to prevent a combative or otherwise violent prisoner from kicking the windows and doors of a police vehicle. It also reduces the potential of self-induced injury or injury to police personnel by limiting the suspect's ability to use his or her legs in an offensive manner while seated in the patrol vehicle.
 - B. The LR-2 is the only leg restraint device authorized for use by the Department. The use of the LR-2 should not be confused with any other type of "Maximum Restraint" device. Its intended use is specific and shall not be used in any other way.
 - C. The restraint may be applied to any prisoner in police custody who demonstrates continuing physical violence or the propensity for physical violence. The restraint shall only be used during transportation of the prisoner in the back seat of a police vehicle.
 - D. The restraint shall be applied tightly enough to restrain the person in custody without being so tight as to restrict blood circulation.
 - E. The restraint shall not be applied to any part of the prisoner's body other than the area just above the knees and below the upper thigh. It shall never be applied to the head or neck of the prisoner.

- F. Prisoners who have been restrained with the LR-2 should not be left alone.
 - G. Prior to transporting the prisoner, officers should check the LR-2 to assure that it has not been defeated and to insure tightness of the device and ensure blood circulation has not been restricted.
 - H. The application of the LR-2 is considered a use of physical force and shall be documented as required in Department Instruction 1.24, Use of Physical Force. The officer applying the LR-2 shall describe the perceived threat or violent behavior in an arrest or officer's report. The report shall describe in detail the application of the LR-2 and its effectiveness. The arrest report shall indicate "Use of Force" in the special studies category in RMS. The primary officer shall ensure photographs are taken showing injury or lack of injury.
- VI. USE OF A SPIT SOCK HOOD
- A. A Department approved disposable spit sock hood may be used on a subject who is in police custody to prevent spitting and biting. The spit sock hood is a light weight, sheer, protective mesh material. When placed over a subject's head and face, neither vision nor breathing is impaired.
 - B. Spit sock hoods are not reusable and must be discarded after use.
 - C. The spit sock hood will not be tightened in any manner to secure the hood around the prisoner's neck.
 - D. Officer(s) must maintain constant observation of the subject once the spit sock hood is applied. If a person shows signs of medical distress, a spit sock hood shall not be applied. If signs of medical distress develop after the spit sock hood has been applied, officer(s) will remove the spit sock hood and seek immediate medical attention.
 - E. Use of a spit sock hood shall be documented in a report.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 1.14 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: TRANSPORTATION OF CHILDREN	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.14, dated September 19, 2014.

I. PURPOSE

The purpose of this order is to establish procedures for the safe transportation of children in compliance with the child passenger seat restraint law (Section CVC 27360, CVC 27363) and following the recommendations of the National Highway Traffic Safety Administration (NHTSA). Taking into account the special equipment in police vehicles and the nature of police work, these guidelines have been established.

II. POLICY

Officers shall insure the safe transportation of children under the age of 12 in Department vehicles.

III. PROCEDURE

- A. Whenever possible, officers shall use a Department vehicle with a soft back seat and lap/shoulder belts to transport children.
- B. Officers transporting children under 12 years of age shall avoid placing children in the front seat.
- C. Officers transporting children under the age of 12 shall comply with California Vehicle Code sections 27360 and 27363. In addition, officers shall:
 1. Transport children in approved child passenger seat restraint systems.
 - a. Each child restraint seat has different height and weight limits. Officers are to check the maximum height and weight limit (label on the side of each child restraint seat) prior to placing a child in a child restraint seat.
 2. Do not place a rear-facing infant-only child safety seat in the front passenger seat of a vehicle with a supplemental restraint system (SRS, airbag).
 3. Do not use a child passenger restraint seat on a hard plastic back seat.
 4. Properly secure in an available seat belt children of an age and size to be transported without benefit of an approved child passenger seat restraint system.

5. Sound judgment must be exercised in the transportation of children who by reason of life threatening emergency or for whom no approved child passenger seat restraint system is immediately available. In such cases, children should be secured with a seatbelt, unless impractical under the circumstances.
 - a. Adult passengers who must hold or carry a child should be required to sit in the vehicle's rear seat and use an available seat belt.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 10-07-20	NO: 1.15 ADMINISTRATION
TO: ALL SWORN PERSONNEL	SUBJECT: EMERGENCY VEHICLE OPERATION	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.15 Administration, dated February 17, 2017.

I. PURPOSE

To define the difference between routine driving/response and “Code-3” driving/response.

II. POLICY

Sworn personnel shall respond “Code-3” only when authorized by the California Vehicle Code (CVC) and Department policy. When not authorized to respond “Code-3,” sworn personnel shall drive in accordance with CVC provisions.

III. SEATBELT USE

Although section 27315(g) CVC allows for the exemption of seatbelt usage for sworn personnel and/or back seat passengers, the following will be the policy for this Department:

- A. All personnel operating a Department vehicle equipped with seatbelts shall wear them at all times when the vehicle is in motion on a highway, unless officer safety tactics dictate otherwise. Certain exemptions will apply to specialty vehicles, tactical operations, officer rescue operations, and any other emergency event where seatbelt usage would not be practical. (Refer to D.I.s 1.9, 1.14, and 4.25 for transporting passengers and prisoners.)

IV. APPLICABLE VEHICLE CODE SECTIONS

A. VC 165. Authorized Emergency Vehicle

An authorized emergency vehicle is:

1. Any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated ambulance licensed by the Commissioner of the California Highway Patrol to operate in response to emergency calls.
2. Any publicly owned vehicle operated by the following persons, agencies, or organizations:

- a. Any federal, state, or local agency, department, or district employing peace officers as the term is defined in Chapter 4.5 (commencing with Section 830) of Part 2 of Title 3 the Penal Code, for use by those officers in the performance of their duties.
- b. Any forestry or fire department of any public agency or fire department organization as provided in the Health and Safety Code.
- c. Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damages lighting or electrical equipment.
- d. Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned the vehicles.
- e. Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work.
- f. Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol. (Amended by Stats. 1983, Ch. 1292, Sec. 8)

B. VC 21052. Police Officers and Employees to Obey Provisions of CVC.

The provisions of this code applicable to the drivers of vehicles upon the highways apply to the drivers of all vehicles while engaged in the course of employment by this State, any political subdivision thereof, any municipal corporation, or any district, including authorized emergency vehicles subject to those exemptions granted such authorized emergency vehicles in this code. (Enacted by Stats. 1959, Ch. 3.)

C. VC 21055. Exemption of Authorized Emergency Vehicles

The driver of an authorized emergency vehicle is exempt from Chapter 2 (commencing with Section 21350), Chapter 3 (commencing with Section 21650), Chapter 4 (commencing with Section 21800), Chapter 5 (commencing with Section 21950), Chapter 6 (commencing with 22100), Chapter 7 (commencing with Section 22348), Chapter 8 (commencing with Section 22450), Chapter 9 (commencing with Section 22500), Chapter 10 (commencing with Section 22650) of this division, and Article 3 (commencing with Section 38305) and Article 4 (commencing with Section 38312) of Chapter 5 of Division 16.5, under all the following conditions:

1. If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire department vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of any emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.
2. If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

A siren shall not be sounded by an authorized emergency vehicle except when required under this section. (Amended by Stats. 1977, Ch. 1017)

D. VC 21056. Effect of Exemption

Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section. (Enacted by Stats. 1959, Ch. 3)

E. VC 17001. Liability of a Public Entity

A public entity is liable for death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by an employee of the public entity acting within the scope of his employment. (Amended by Stats. 1965, Ch. 1527.)

F. VC 17004. Authorized Emergency Vehicle

A public employee is not liable for civil damages on account of personal injury to or death of any person or damage to property resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call. (Amended by Stats. 1965, Ch. 1527.)

V. DEFINITIONS OF RESPONSE CODES

A. CODE-3 Operation (Emergency Response)

1. A Code-3 response may be conducted whenever the officer is responding to a fire, an emergency call, engaged in rescue operations or in pursuit of an actual or suspected violator of the law in accordance with 21055 CVC.

2. This response may be designated by Dispatch (priority response), a sworn supervisor or initiated by a field unit in conjunction with notification to Dispatch via radio.
3. The requirements set forth in Sections 21055 and 21056 CVC, relating to the use of required emergency lighting and siren, must be followed.
4. Sworn personnel shall respond to Code-3 calls immediately and shall drive with due regard for the safety of all persons using the highway.
5. Code-3 Operation Protocols
 - a. While operating Code-3, sworn personnel shall activate all available emergency lighting equipment of their police vehicle. In addition to emergency lighting, officers shall sound the siren using the wail, yelp or tone (wail and yelp) mode as reasonably necessary as required by 21055 CVC. The use of other siren modes during Code-3 operations, such as hi-low, is prohibited.
 - b. Sworn personnel shall use emergency lights and the siren in a manner that will ensure an adequate warning of their approach to other motorists. (Remember - The use of lights and siren does not GRANT you the right-of-way; it is a request for the right-of-way.)
 - c. The air horn function of the siren controller may be used, when reasonable, in conjunction with the siren to gain the attention of the public.
 - d. During a Code-3 response, sworn personnel shall keep their vehicles under proper control at all times. Sworn personnel shall drive at speeds which enable them to avoid hazards.
 - e. Sworn personnel driving a police unit during Code-3 responses should overtake traffic on the left whenever possible, even if it is necessary to drive across the center line of a roadway. Pursuant to CVC 21806(a), a motorist, upon observing the emergency vehicle, is required to yield to the right. Therefore, sworn personnel should cautiously pass on the right ONLY when no other course is available.
 - f. Sworn personnel shall not drive on the wrong side of a divided highway or freeway. Sworn personnel shall not drive the wrong way on a one way street.
 - g. Sworn personnel should never enter an intersection controlled by signs or signals in violation of said signs or signals, unless the officer is prepared to make an immediate stop to avoid a collision. Sworn

personnel shall consider the visibility in the intersection to oncoming traffic.

- 1) At an intersection where all vehicles have yielded to the police vehicle, sworn personnel can proceed with caution. Cross traffic lanes should be cleared one at a time, keeping in mind stopped traffic may present a vision obstruction to approaching vehicles/drivers that have not yet yielded or are unaware of the police vehicle's approach.
- h. The fact that sworn personnel are engaged in a Code-3 response does not relieve or protect them from the consequences of a reckless disregard for the safety of others as defined by 21056 CVC.
- i. In addition to those safety factors already listed, the following precautions should be kept in mind while responding Code-3 to emergency calls.
 - 1) Road, weather and traffic conditions, the severity of the situation, and the capabilities of the police vehicle.
 - 2) Be aware of pedestrians, especially children who may step onto the street or run out from between cars to see your emergency vehicle go by.

B. Priority Call Response (Response without Delay)

1. Sworn personnel shall discontinue routing activity, such as traffic citations and field contacts, in order to immediately respond to an assigned incident.
2. Sworn personnel shall respond by observing all traffic laws.
3. The use of emergency lighting and/or the siren is not permissible.

C. Routine Call Response

1. When dispatched to "routine calls" that have not been dispatched as Code-3 or priority call response, sworn personnel shall respond in a timely manner while obeying all traffic laws.
2. At the discretion of sworn personnel, enforcement activity, such as traffic citations and field interrogations, may be completed before responding to the call.

VI. 11-99 (Officer Needs Assistance/ Mutual Aid Request)

- A. A call for 11-99 should be broadcast ONLY when an officer is involved in a situation of such magnitude that it necessitates an overwhelming response by numerous law enforcement personnel.
- B. It should be understood that an 11-99 broadcast will be considered a “mutual aid” request and, as such, outside agencies will respond accordingly.
 - 1. Examples of 11-99s include, but are not limited to:
 - a. An officer who has been shot or seriously injured.
 - b. Violent riots/civil unrest situations.
- C. Upon the broadcast of an 11-99, field units shall use sound judgment in responding. Sworn personnel must consider:
 - 1. The distance to the 11-99 location (if occurring in another jurisdiction).
 - 2. The number of already responding units and the magnitude of the 11-99.
 - a. For example, if the urgency of the incident is small in scale and appears that it may be concluded prior to sworn personnel’s arrival, they should reconsider their response. Additionally, if the 11-99 appears to have sufficient units already on-scene or en route, sworn personnel should use sound judgment as to whether or not response to the scene is warranted.
- D. While en route to an 11-99, sworn personnel should exercise extreme caution as emotion and adrenaline responses run very high during this type of call. Sworn personnel should be aware that other officers (and perhaps personnel from other agencies) are also responding Code-3 to the incident and may not be aware of your presence or response.

VII. RADIO PROCEDURES FOR CODE-3 OPERATION

- A. When sworn personnel receive a Code-3 assignment, each unit will advise via the police radio the location they are responding from. The dispatcher will then repeat the location and the fact the unit is responding Code-3. This will alert other units in the event there is a unit closer and to avoid possible accidents.
- B. In those instances where a field unit initiates a Code-3 operation, they will notify Dispatch of the following at the first practical moment.
 - 1. That the unit is responding Code-3 and the location from which the unit is responding.

2. The nature of the situation (pursuit, closest unit to a Code-3 cover request).
- C. The dispatcher will repeat this information to alert adjacent units.

Related Department Instructions:

1.10 San Diego Countywide Pursuit Policy

2.1 Radio Procedures

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-17-20	NO: 1.16 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: NOTIFICATION OF ADMINISTRATIVE AND INVESTIGATIVE PERSONNEL	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.16, dated July 21, 2016.

I. PURPOSE

The purpose of this instruction is to establish an efficient method of investigating major crimes and to assure that appropriate personnel are notified as requested.

II. NOTIFICATION - ADMINISTRATION

A. The Uniform Bureau Captain, or in his absence the Investigations Bureau Captain, will be notified immediately of any occurrence below:

1. All homicides and possible homicides where police officers are directly involved.
2. All major armed robberies where there has been injury to victims(s).
3. All confirmed cases of kidnapping.
4. All incidents where an officer receives major injuries while on duty.
5. When major assistance from another police agency is requested or required.
6. When major assistance from another division or section from the Department is required.
7. Barricaded subjects with weapon(s) involved.
8. Any situation that requires additional off-shift personnel to properly handle.
9. Any arrest or detention of a city, county, state, federal official, or City department head.
10. Any circumstance where foreign diplomats have been contacted regarding involvement in a crime.
11. Any other questionable circumstances(s) of prime concern to the Watch Commander.

- B. After ensuring that emergency plans are in operation and/or appropriate investigations have been called, the Bureau Captain shall notify the Chief of Police of the occurrence.

III. NOTIFICATION - INVESTIGATIONS

- A. The appropriate detective sergeant (Crimes of Violence, Crimes of Property, Family Protection Unit, Gang Unit, or Special Investigations Unit) will be notified in the event:
1. The Watch Commander deems that an investigation or incident requires an investigator; or when major felony suspects are in custody and prompt interrogation by an investigator is deemed beneficial.
 2. Homicides and attempted homicides with great bodily injury.
 3. Suicides and dead bodies found where questionable circumstances exist.
 4. Missing persons at risk – other than for age only, once all Patrol leads have been exhausted, time permitting.
 5. Robbery that involves serious bodily injury and/or the use of firearms.
 6. Bank robberies.
 7. Kidnappings.
 8. Fire determined to be “arson origin” where either (1) a major structure is involved, or (2) there are known suspects.
 9. Safe burglary or burglary with explosives.
 10. Incest, molest, or severe child abuse cases.
 11. Sex crimes where forensic interviews and/or forensic exams (SART or CAP) will be conducted.
 12. Felony crimes where the officer is the victim and to the extent that the officer needs medical attention.
 13. In custody narcotics cases under any of the following circumstances: possession of a controlled substance for sales, seizure of large quantities of controlled substances, manufacturing of a controlled substance, and any case requiring the seizure of assets.
 14. In custody cases where the arrestee is requesting to speak to an investigator for any reason.

15. Any arrest or case believed to be related to an ongoing crime series currently being investigated by EPD.

16. Situations requiring immediate response to the media

In the event detective(s) are called out to assist in an ongoing investigation or to assume investigative responsibility for a major case, the detective sergeant or lead detective will notify and apprise the on-duty Watch Commander of their activity. Any use of Patrol personnel must be approved by the Watch Commander or field supervisor.

B. Any call-out of an investigator requires the advance knowledge and approval of the Watch Commander. All call-outs should be initiated by notifying the appropriate detective sergeant. Officers will not, as a matter of routine, call an investigator without first notifying the Watch Commander or field supervisor of the circumstances and situation.

C. In the event of a call-out incident occurring on a weekend or after hours, the sergeant that is responsible for investigation of that type of incident is to be notified. When making a call-out notification, a message should be left on the Investigations sergeant's cell phone, voice mail, or home messaging system (or both). If the Investigations sergeant does not return the call in a reasonable time (given the circumstances of the call-out), then the appropriate Investigations Division lieutenant should be called.

IV. NOTIFICATION - TRAFFIC SECTION

A. The sergeant of the Traffic Division or, in their absence, the Traffic Division lieutenant will be notified as follows:

1. All fatal traffic collisions and those involving injuries where death appears imminent.
2. All serious injury collisions involving brain injury, paralysis, amputation, loss of limb, loss of sight, fractured femur (See D.I. 4.10 for further description).
3. Injury collisions that occurred during a pursuit or any Code 3 response.
4. Traffic collisions involving city/police vehicles where there are injuries.
5. Traffic collisions or other incidents involving potential city liability.
6. Any collision where the Watch Commander deems it necessary that the collision be investigated by the Traffic Division.

V. NOTIFICATION - EVIDENCE SECTION

- A. The COV sergeant and the Forensic Services Unit supervisor, shall be notified as follows:
1. All homicides and attempted homicides involving great bodily injury.
 2. All officer-involved shootings involving both inter-agency and outside agency personnel.
 3. All incidents involving great bodily injury to an officer.
 4. All major, part 1 crimes.

In the event of an after-hours or weekend incident necessitating evidence collection and/or processing of a suspect for an incident not listed above, a Field Evidence Technician (FET) shall be utilized. The on-duty Watch Commander will assign an on-duty FET and, if none are available, the Watch Commander will notify the on-call FET. The on-call FET schedule is located in both Dispatch and the Watch Commander's office.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-17-20	NO: 1.17 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: OUTSIDE EMPLOYMENT	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.17 Administration, dated October 16, 2018.

I. PURPOSE

The purpose of this instruction is to establish a procedure for employees to obtain approval for outside employment in accordance with California State Government Code, Sec. 1126.

II. POLICY

Rules of Conduct 1.24 states, “No member shall accept any outside employment or engage in the management or operation of any enterprise or business without the written approval of the Chief of Police or his/her designee.

Such approval shall not be given if such employment or participation would, in any way, conflict with the member’s responsibilities and obligations to the City, reflect criticism or discredit on the member or the City, or would affect the efficiency of the member in the performance of regular duties.

No member shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of the member’s official duties or would tend to impair the member’s independence or judgment or action in the performance of such duties.”

III. PROCEDURE

- A. An employee requesting approval for outside employment shall submit an Outside Employment Request through their chain of command.
- B. The employee’s commanding officer shall make a determination based on a supervisor’s investigation of this employee’s work performance, sick leave usage and injury leave, and make a recommendation as to approval or disapproval.
- C. The Chief of Police or his/her designated representative shall review the request and the recommendation of the commanding officer, and indicate approval or disapproval. The decision of the Chief of Police shall be final.
- D. The completed request is then forwarded to the Chief’s Executive Assistant who shall file the original request in the employee’s personnel file.

- E. The Chief's Executive Assistant will forward a copy of the completed Outside Employment Request to the employee via their chain of command.
- F. Outside employment, once approved, will be revoked only when, upon the recommendation of the employee's commanding officer, outside employment becomes incompatible with City employment or affects the job performance of the employee and becomes detrimental to the efficiency of the employee's regular work.
- G. Upon receipt of a recommendation from an employee's commanding officer requesting revocation of outside employment, the Chief of Police shall review the request and, for good cause, may order the revocation of the authorization of outside employment.
- H. Failure to obey the order or revocation is cause for discipline, up to and including termination.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 1.18 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: PUBLIC RECORDS REQUESTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.18 Administration, dated March 31, 2016.

I. PURPOSE

This Instruction is to provide uniform guidelines concerning requests for public records maintained by the Escondido Police Department in accordance with Citywide Administrative Directive No. 5 and the California Public Records Act.

The requests for public records defined by this instruction will be for general requests for information, not the routine daily criminal records requests received by the Records Division for specific crime, arrests, and CAD incident reports. All requests for criminal records will be handled by the Records Division.

II. DEFINITION

As defined in the Public Records Act, “public records include any writing containing information relating to the conduct of the public’s business which are prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

Based on this definition, many of the records maintained by the Escondido Police Department are public records because they are created and maintained in the daily course of business. However, not all records are available for inspection and copying. Certain records are exempt. For further information on records that may be exempt from inspection and copying, employees should consult the Police Records Manager and/or the City Attorney’s office.

III. POLICY

- A. Requests for public records can be received via mail, fax, telephone, or in person. A request for public inspection should be made using the designated record request form (CM/P0817-07). The request form should “reasonably describe an identifiable record.” If the requesting party is unable or unwilling to complete the request form, the police employee receiving the request shall attempt to complete the form as best as possible, and assist the requestor in identifying the records that are responsive to the request or purpose of the request. Requests for a specific crime, arrest, or incident report should be made on form EsPD #122.
- B. All requests should be date and time stamped upon receipt.

- C. All requests shall be logged by the Records Supervisor on the electronic Public Records Log maintained online.
- D. State law allows a specific time frame within which a public agency must respond to a request for inspection or copying of public records. Therefore, any police employee receiving a request for public records must forward a copy of the request to the Police Records Supervisor or the Front Counter staff as expeditiously as possible.
- E. All public records requests require a response within 10 days of the date of the request. If the amount of time necessary to respond to a request is a concern, either the Records Manager, City Attorney, or City Clerk should be informed.
- F. It will be the responsibility of the Records Supervisor or designated Records staff to forward a copy of the request to the City Clerk's and the City Attorney's offices for evaluation and direction prior to formulating a response, as necessary.
- G. If the records requested are maintained in a division other than Records, the request will be routed to the appropriate division supervisor for handling. The receiving supervisor shall date and initial the request upon receipt and notify the Records Manager of the response and date of completion. A written response should be prepared and sent to the requestor, by the Records Manager or with the Records Manager's approval.

IV. PEACE OFFICER PERSONNEL RECORDS

- A. Peace officer personnel records maintained by the Escondido Police Department shall be made available for public inspection pursuant to the California Public Records Act, as defined in the California Government Code Title 1, Division 7, Chapter 3.5.
- B. In accordance with California Penal Code Section 832.7(b), records eligible for release include the following:
 - a. Incidents involving the discharge of a firearm at a person by a peace officer.
 - b. Incidents where the use of force by a peace officer resulted in death or great bodily injury.
 - c. Any sustained finding where a peace officer engaged in sexual assault involving a member of the public.
 - d. Any record of a sustained finding for dishonesty of any peace officer.

- C. Release of peace officer personnel records that meet the statutory requirements will follow established guidelines as set forth in this Instruction under section III. POLICY.

V. FEES

Government Code Section 6253(b) allows for the payment of fees that covers the direct costs of duplication or a statutory fee. The City Council has adopted copying fees in the annual fee schedule. A current fee schedule can be found on the City Intranet at <https://intranet.escondido.org/Data/Sites/8/media/pdfs/CityFeeInventory.pdf?v=2>.

Copying fees are listed on page 1 in the All Department rows.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 03-12-24	NO: 1.19 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: COURT PROCEDURES AND SUBPOENAS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Instruction 1.19, dated March 10, 2008.

I. PURPOSE

This Instruction establishes procedures for employees to follow when receiving subpoenas, being excused from subpoenas, and when testifying in court.

II. SUBPOENA DEFINITION

A. District Attorney Subpoenas

Electronic subpoenas generated by the District Attorney's office will be printed every morning Monday through Friday by Records personnel and forwarded as expeditiously as possible to the appropriate division supervisor for service. There are two copies printed for each subpoena, the agency copy and the employee copy. Additionally, there is a master list which shows all the subpoenas issued for that day.

B. Criminal Subpoenas

Criminal subpoenas may be received via mail, facsimile, or in person. They will be accepted for service by the front counter personnel, if received a minimum of five court days prior to the court appearance date.

C. Civil Subpoenas

Civil Subpoenas may be received via mail, facsimile, or in person. They will be accepted for service by the front counter personnel, if received a minimum of 15 days prior to the court hearing date.

D. Out-of-County Subpoenas

1. Employees must respond to any out-of-county subpoena regarding an event or action which was initiated, witnessed, or investigated in the course of their duties, if it meets the following conditions:
 - a. The subpoena meets all the legal requirements as to form and content.
 - b. The subpoena is served as prescribed by law within a reasonable time prior to the court appearance.

- c. The place of the trial is within 150 miles of the employee's place of residence, or the judge has endorsed on the subpoena an order for the attendance of the witness.

E. Out-of-State Criminal Subpoenas

California has adopted the Uniform Act to Secure the Attendance of Witnesses from outside the state in criminal cases (1334 P.C.). Any employee receiving such a subpoena should contact his/her supervisor.

F. Federal Subpoenas

Federal subpoenas may be received via mail, facsimile, or in person, and they will be accepted for service by the front counter personnel. Personnel are to follow the instructions on the subpoena.

NOTE: Front counter personnel will log all subpoenas, with the exception of District Attorney subpoenas, into a subpoena binder and make copies for distribution. The binder will be maintained at the front counter. District Attorney subpoenas will follow the procedures outlined above.

III. SERVICE PROCEDURES

A. District Attorney Subpoenas

1. Supervisors will be responsible for timely service and return of subpoenas for personnel within their commands. If the employee cannot be made available on the appearance date, the subpoena shall be returned to the subpoena basket located in Records. The serving supervisor shall record on the subpoena a return date for the employee and a note of explanation (i.e., date of departure, date of return to work, whether "in" or "out of county") and why (i.e., school, IOD, vacation, etc.).
2. Employees may be individually served up to the court appearance date and may not refuse service because of short notice. If an employee has scheduled time off for the appearance date, the employee must accept the subpoena and make arrangements with the serving agency.
3. An employee on leave (i.e., injury, extended sick, or administrative) is not automatically excused from court appearance. The supervisor responsible for serving the subpoena will immediately forward the subpoena to Records, with an explanation as to whether the employee is physically able to appear. If appropriate, the employee's supervisor will arrange for service at the employee's residence.
4. If an employee is unavailable to be served when a subpoena is issued (i.e., vacation, sick, other time off, etc.), but is scheduled to return to work on or before the court appearance date, it shall be the responsibility of the

supervisor to contact the employee as expeditiously as possible and serve the subpoena verbally.

5. Supervisors serving a subpoena must legibly write their name, rank, identification number, and date of service on the subpoena, and return it to the Records subpoena basket.
6. Employees are responsible for recording appearance dates and preventing loss of subpoenas.
7. Employees are required to comply with the “Special Instructions” listed on each individual subpoena. Employees working late night shifts may contact the District Attorney listed on the subpoena or the paralegal assistant assigned to the case, if they are requesting notification as to when they will be needed to appear.
8. Employees required to appear on separate cases, on the same date, should contact the prosecuting District Attorney and advise of the conflict.
9. Employees who are ill, or for any other reason cannot appear in court on the day of the trial, are required to notify the watch commander stating the reason for the absence, as well as directly contact the prosecuting agency (i.e., District Attorney, Minor Offense Division ‘MOD’, etc.).
10. Employees who are delayed en route to court must contact the court and explain the delay.
11. Employees are not exempt from laws governing the appearance of witnesses at court proceedings. An unexcused court absence may subject the employee to adverse court action and/or Department disciplinary measures.

B. Criminal Subpoenas

The same service procedures apply as those listed above in addition to:

1. Subpoenas issued by criminal defense attorneys deserve the same high standard of response including: preparation, unbiased testimony and courtesy, in all requests.
2. Employees subpoenaed by the defense in criminal cases are to immediately contact and advise the prosecutor involved in the case. The fact that an employee is subpoenaed by the defense does not mean that the employee must discuss the case with the defense attorney prior to trial. Employees subpoenaed by the defense may be released or called off only by the criminal defense attorney.
3. Employees required to appear on separate cases on the same date should contact the defense attorney and advise of the conflict.

4. A facsimile of a subpoena for a witness in a criminal proceeding is as effectual as the original subpoena.

C. Out-of-County Subpoenas

1. Employees required to appear in court on their regularly scheduled workday will be excused from their normal work assignment and receive their normal salary from the City. Employees may receive overtime if their total hours are in excess of their normal workday based on actual time in court and reasonable travel time. Employees assigned to late night shifts will, whenever possible, have their days off changed or working hours adjusted so they will have sufficient rest.

NOTE: For scheduling purposes, subpoenaed employees must notify their supervisors at least 48 hours in advance of the out-of-county court appearance.

2. Employees appearing on their off time will staple the time-stamped subpoena and enter the appropriate time on their time sheet. For appearances in excess of four hours, time entered should include actual hours in court and travel time (appropriate MOU).
3. Transportation to and from the court of appearance is the responsibility of the employee subpoenaed in accordance with the current negotiated agreement (appropriate MOU). Department vehicles will not be utilized for any out-of-county appearances without approval of the employee's commander.
4. Upon written order of the court, employees subpoenaed for an out-of-county criminal court appearance are entitled to a reasonable sum for necessary expenses. These expenses shall include transportation to and from court, measured from the employee's place of residence, with meals and lodging if required. At the time of the court appearance, the employee must obtain from the County Clerk the necessary forms required for the reimbursement of funds. IT WILL BE THE EMPLOYEE'S RESPONSIBILITY TO REQUEST SUCH PAYMENT FOR EXPENSES. Employees are not entitled to receive witness fees since their salary is paid by the Department (1329b P.C.).

D. Out-of-State Subpoenas

California has adopted the Uniform Act to Secure the Attendance of Witnesses from without the state in criminal cases (1334 P.C.). Any employee receiving such a subpoena should contact his supervisor.

E. Civil Subpoenas

1. Service is limited to appearance either within 75 miles of the employee's residence or within the County where the action is pending and within 150 miles of the employee's residence.
2. Employees subpoenaed shall receive their normal salary (and expenses, if any) from the City for time at court and travel to and from court.
3. These provisions shall also apply to subpoenas issued for arbitration board hearings, or depositions.
4. Subpoenas issued by the Department of Motor Vehicles on license revocation hearings which call for the employee's appearance outside San Diego County will NOT be honored. Neither the City nor the Department of Motor Vehicles will pay any mileage or other expenses. Employees receiving subpoenas shall forward them to the front counter personnel.
5. It is a misdemeanor for any person to pay or offer any other consideration for an employee's services, or for any such employee to ask or receive any such payment.
6. Any Police Department employee who is subpoenaed as a civil witness resulting from employment with the Department will use the following procedures for accepting a subpoena whether on or off duty at the time of appearance:
 - a. The Attorney or Attorney Service will bring a signed subpoena to the Police Department.
 - b. The Attorney or Attorney Service posts a deposit of \$275 per day, per employee. Front counter personnel will provide a receipt, stamp the subpoena in the upper right-hand corner, mark "PAID" and initial.
 - c. The deposit shall be sent to the Finance Department.
 - d. The following procedures shall apply regarding Civil Subpoenas:
 - (1) A 'Collection of Fees' form, EsPD #18, will be attached to the subpoena prior to service.
 - (2) A copy of the subpoena will be maintained by the police front counter personnel for follow-up.
 - (3) A copy of the service will be forwarded to the Escondido City Attorney's Office.
 - e. The actual court appearance must be verified on the subpoena with either the court "file stamp" or the signed verification of some other

authorized person (i.e., marshal, attorney, etc.). Additional verification must be obtained for each subsequent day on the same subpoena.

- f. After attending court, the employee must complete the Collection of Fees form. Additionally, employees should indicate at least four hours overtime minimum when time is incurred on overtime (appropriate MOU).

Receipts should accompany the report when meals (out of town) and parking (except meters) are shown. NOTE: Do not compute the cost data information. This is to be done by the Finance Department.

- g. The completed subpoena and the Collection of Fees form will be submitted to the employee's immediate supervisor. The immediate supervisor will initial (including ID number) the Collection of Fees form and forward it and the subpoena to the front counter. The front counter personnel will log the subpoena information and forward the completed forms to the City's Finance Department.
- h. Employees should make the appropriate court time entries on the time sheet. For appearances in excess of four hours, time entered should include actual time in court plus reasonable travel time. (appropriate MOU).

F. Federal Subpoenas

1. The subpoena shall be signed by the appropriate United States Attorney.
2. The employee shall submit the completed form to the United States Marshal, who will issue a check in the employee's name. (In San Diego, the U.S. Marshal's Office is in the lower level of the Federal Courthouse.)
3. If court attendance occurred while the employee was on duty, the check is to be endorsed and given, along with the subpoena, to the employee's immediate supervisor. The supervisor will forward them to the front counter personnel.
4. Employees attending court while off duty may retain any expense money, but must submit the witness fees (presently \$30.00 per day) with the subpoena to their immediate supervisor who will forward the information to the front counter personnel. Any overtime shall be noted on the employee's time sheet, indicating a minimum of four hours (or actual time spent in court – appropriate MOU) and reasonable travel time.
5. It is not necessary to complete the Escondido Police Collection of Fees form as required for civil subpoenas.

G. Service of Civil Summons where the employee of the Department is the defendant

1. A summons is a legal document notifying the person summoned that an action has been initiated against that person in the court where the summons was issued. A person who has been served with a summons in a civil action is a defendant in that case, and an answer must be filed in court on that person's behalf within twenty (20) days from the date of the service of the summons if it is a civil rights action in Federal Court, or thirty (30) days if it is an action brought in State Court. If an answer is not filed within the 20-day or 30-day period, the court can render a default judgment against the defendant.
2. Employees of the Department are required to accept personal service of summonses on themselves in civil cases related to the performance of their duties. Service by mail is authorized by the Code of Civil Procedure, Section 415.30. With the sole exception of the front counter personnel, employees of the Department shall not receive personal service of a summons in a civil suit for any other member unless specifically authorized to do so by the member in writing.
3. The front counter personnel shall receive and time stamp service of summonses directed to any member of the Department in civil actions related to the performance of their duties. Upon acceptance, the front counter personnel shall log in the summons and forward it immediately to Police Administration. After review by the Chief's office, the summons and the complaint will be forwarded to Internal Affairs for appropriate processing as required by the City Attorney's office.
4. Employees personally served with a summons in a civil suit shall immediately read the summons and complaint carefully. After the employee reviews the summons and complaint, the following procedure is required by the City Attorney's office without delay:
 - a. Prepare a signed memorandum to the City Attorney and include the following information:
 - (1) Date and time received;
 - (2) By whom served, if known;
 - (3) Where and how served;
 - (4) A specific request for representation by the City Attorney on your behalf regarding the complaint alleged; include the name of the plaintiff complainant.
 - b. The employee must then send or deliver the original summons and complaint, along with the above memorandum to Police Administration without delay.

It is suggested that the member involved make a copy of the summons, complaint and memorandum, to retain in his/her own personal file.

Refer to City Manager's Administrative Directive Number 2 – "PROCEDURES FOR ACCEPTING LEGAL PROCESS..." for further explanation.

IV. COURT STANDBY

On felony cases, preliminary hearings, misdemeanor and infraction court trials, employees subpoenaed for appearance during non-working hours shall go to court and stand by until called by the prosecutor/court. Standby status away from the court is not allowed. If an employee is working, they shall check in with the appropriate District Attorney and, if not needed, return to service until requested or released. An agreement between the prosecutor and the employee as to when to appear, resulting in the employee not appearing in court until a later time, is not standby status and court overtime is not allowed.

V. PRE-TRIAL CONFERENCE

- A. This type of interview with an attorney is not covered in the law. At the employee's discretion, arrangements via the employee's commanding supervisor may be made for an interview with any attorney or attorney's representative.

The appropriate prosecutor must be advised in advance of any such interview involving a criminal case. In any case involving the City of Escondido, the employee should advise the City Attorney.

- B. Employees will extend the courtesy of notifying attorneys or their representative when requested to do so.
- C. Employees attending pre-trial conferences with any prosecuting agency representative should maintain case confidentiality.

VI. TESTIFYING IN COURT, DEPOSITIONS AND HEARINGS

- A. Employees shall not negotiate, directly or indirectly, any compromise or arrangement for the purpose of permitting any person to escape the penalty of the law; nor shall any employee interfere with the courts of justice.
- B. Employees must review all reports relating to the case prior to appearance in court, and have a copy of the case, as well as all requested evidence, when requested to testify in court. In some cases, it may be advisable to revisit the scene of the incident. Any errors noted on reports or citations must be brought to the attention of the prosecutor prior to the trial.
- C. Physical evidence is to be transported by the arresting employee who must maintain custody of the property until it is entered into evidence by the court. If retained by

the court, the employee is responsible to have the property receipt completed by the court and returned to the Property Division by the end of the working day. Items not entered into evidence or property not released by the court shall be returned to Department custody by the employee.

- D. Employees shall attend court in full uniform (including leather gear, per D.I. 1.2) or in civilian clothes, as outlined in D.I. 1.2 for plainclothes personnel.
- E. Police vehicles may be used for transportation to and from the courthouse. Police vehicles must be legally parked.

VII. OFF-DUTY TESTIMONY

Police Department personnel, either sworn or non-sworn, who have become experts in their fields and are called upon to do work or testify for outside or private agencies on their time may receive direct payment for such services, provided:

- A. Such service is not connected with any matter perceived or investigated in the course of the employee's duties with the Police Department.
- B. The employee has permission to engage in outside employment as specified in D.I. 1.17.



SECOND NOTICE

The attached expense report was sent to you for completion on

_____.

To date we have not received a reply. Please complete the form as soon as possible and return to the Front Desk. The Finance Department needs this information in order to refund any monies owed the attorney, or to bill for additional monies needed.

Thank you for your prompt attention.



**OFFICER – CIVIL SUBPOENA
COLLECTION OF FEES**



In accordance with Government Code Section 68907.2, a deposit of \$275.00 has been received by the City for your appearance in this proceeding.

After you have attended court, a copy of the subpoena attached to this notice itemizing the hours including court, preparation, travel time, overtime or regular time, mileage, parking fees, and any meals required (out of town appearance) should be returned to the Records Supervisor. Receipts for parking and meals should also be attached.

The subpoena will be sent to the Finance Department for calculation of expenses. If less than \$275.00, the attorney will be reimbursed. If more, a bill will be prepared.

IT IS MANDATORY THAT YOU COMPLETE AND TURN IN THE INFORMATION REQUIRED AT THE COMPLETION OF YOUR ATTENDANCE IN COURT.

EMPLOYEE NAME _____ APPEARANCE DATE _____

COURT CASE # _____

☐ DID NOT APPEAR

PREPARATION TIME _____

TRAVEL TIME _____

MILEAGE (POV ONLY) _____

TIME AT COURT _____ ☐ TELEPHONIC/ VIRTUAL ☐ IN PERSON

WAS THIS TIME? OVERTIME ☐ REGULAR ☐

WAS ANOTHER OFFICER CALLED IN TO WORK YOUR SHIFT DUE TO THIS SUBPOENA? YES ☐ NO ☐

PARKING FEE: _____

OTHER EXPENSE (SPECIFY) _____

A COPY OF THE SUBPOENA FOR THIS CIVIL ACTION MUST BE ATTACHED.

SIGNATURE: _____

PLEASE RETURN TO THE RECORDS SUPERVISOR AS SOON AS POSSIBLE. IF YOU DO NOT APPEAR, PLEASE INDICATE SO, SIGN AND RETURN THIS FORM.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 03-27-23	NO: 1.20 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: UNMANNED AIRCRAFT SYSTEMS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.20, dated December 22, 2017.

I. PURPOSE

The purpose of this policy is to establish guidelines for the operation of small Unmanned Aircraft Systems (commonly known as “drones”).

II. POLICY

The Escondido Police Department (EPD) may use drones for any law enforcement or public safety purpose that is consistent with the Federal and State Constitutions. Implementation of this policy will ensure that the use of a drone is consistent with respect for individuals’ privacy and civil liberties.

III. PROTECTION OF RIGHTS AND PRIVACY

EPD operators may use a drone in a manner similar to the deployment of a police helicopter. Operators shall take reasonable precautions to avoid observing locations where a person would have a reasonable expectation of privacy and shall be aware of relevant individual civil liberties and civil rights.

- A. EPD drone operators shall ensure video and still images recorded by a drone and the associated flight records will be maintained in strict compliance with Department Instruction 1.51 Use of Recording Devices.

IV. ORGANIZATION

The Chief of Police will appoint a lieutenant who will be responsible for management of the Department drones.

- A. The assigned lieutenant will be responsible for the following:
 - 1. Coordination of the FAA Certificate of Waiver or Authorization (COA) application and ensuring the COA remains current if not operating under Part 107 of the FAA regulations.
 - 2. Ensure that drone pilots and visual observers have completed all FAA licensing requirements and Department-approved training in the use of drones.
 - 3. Ensure that only FAA licensed operators deploy EPD drones.

4. Ensure compliance with Department 1.51 and the City's records retention schedule.
5. Ensure compliance with the EPD Unmanned Aircraft Systems Unit Operations Manual.

V. DRONE USE

- A. EPD drone operators shall be licensed by the FAA unless operated solely for flight training and under the direct supervision of an FAA licensed operator.
- B. Drone operators shall fly the drones in accordance with FAA regulations.
- C. Drone operators shall ensure that the any data collected, used, retained, and disseminated is consistent with federal, state and local law and solely for an authorized purpose; i.e., a law enforcement investigation.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-17-20	NO: 1.21 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: REPLACEMENT OF DAMAGED PERSONAL PROPERTY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.21 Administration, dated July 21, 2016.

I. PURPOSE

To establish a procedure for reimbursement for expenses incurred by employees who damage personal property, uniforms, and clothing in the performance of their duties.

II. POLICY

The Escondido Police Department will reimburse any employee the fair value or the cost of repair of certain items that are damaged during the normal course of the employee's duties, providing the employee follows the established procedures, reporting requirements, time limitations, and limitations on the type of personal property worn or used during the course of employment.

III. GENERAL

A. Jewelry

The Department will not reimburse employees for lost or damaged jewelry. Members may at their own risk wear jewelry as authorized by Department Instruction 1.2 – Uniform, Equipment and Appearance.

B. Watches

The Department will reimburse up to \$100 for replacement value for a timepiece, including watchband. For replacement purposes, a watchband may not exceed \$40 in value.

C. Uniform Repair

The Escondido Police Department prohibits employees wearing uniforms which have visible mends. In such cases, replacement will take precedence over repair.

D. Safety Equipment and Tools

The Escondido Police Department will issue its employees all tools and safety equipment needed to perform their tasks. Members who use their own tools or safety equipment do so at their own risk, unless such tools and safety equipment

have been specifically authorized for use (i.e., personal weapons and hideout weapons).

E. Non-Uniformed Clothing

The Department will not reimburse more than \$300 for a suit, dress or coat damaged in the performance of duties.

IV. REPLACEMENT PROCEDURES

- A. Claimants must submit a memo through the chain of command to their respective Bureau Captain within ten days of the time the damage is incurred. The memo shall address:
 - 1. How damage was incurred;
 - 2. Estimate of cost of replacement.
- B. The Bureau Captain will review the memo and will either authorize or deny the request for repair or replacement.
- C. A copy of the authorization and receipt of replacement must then be submitted to the Chief's Executive Assistant for drafting of a City request for payment, which will appear on the employee's paycheck. This proof of replacement must be submitted within 60 days of the time it was authorized.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 03-31-16	NO: 1.22 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: SECURITY OF CRIMINAL OFFENDER RECORD INFORMATION AND MEDIA PROTECTION	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.22 Administration, dated September 6, 2001.

I. PURPOSE

The purpose of this instruction is to update practices in the Department regarding Criminal Offender Record Information (CORI), including preventing misuse of such information and providing procedures governing the release of CORI to authorized persons and agencies.

II. AUTHORITY

California law and regulations restrict access to CORI to specifically authorized individuals. The California Penal Code lists who can have access to CORI (Section 11105), establishes penalties for the misuse of CORI (Sections 11140 to 11144), and addresses when and how an individual may access and review their own record (Sections 11120-11127). Mandatory Securing of Criminal Offender Record Information requirements can be found in the California Code of Regulations, 11 CCR § 700 et seq.

III. DEFINITIONS

- A. “Criminal Offender Record Information” (CORI) is defined as records and data compiled by criminal justice agencies for the purpose of identifying criminal offenders and of maintaining a summary of arrests, proceedings, disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. Cal. Penal Code § 11075. This shall include CII manual rap sheets and abstracts, CII Crime History Summaries (CHS), CII Criminal History Transcripts (CHT), FBI rap sheets, ARJIS MOI Summary printouts showing at least one arrest (AR), and any EPD form containing a list of prior arrests.
- B. “Criminal Justice Agency” means a public agency or component thereof, which performs a criminal justice activity as its principal function. 11 CCR § 701(a)
- C. “Custodian of records” means the individual designated by an agency as responsible for the security, storage, dissemination, and destruction of the criminal records furnished to the agency and who serves as the primary contact for the Department of Justice for any related issues. Cal. Penal Code § 11102.2.
- D. “Authorized Person or Agency” means any person or agency authorized by court order, statute, or decisional law to receive CORI. 11 CCR § 701(b)

- E. “Right to Know” means specifically authorized by law to obtain CORI.
- F. “Need to Know” means the necessity to obtain CORI in order to perform official responsibilities.
- G. “Record check” means obtaining the most recent rap sheet from the California Department of Justice. 11 CCR § 701(f)

IV. AUTHORIZED RECIPIENTS OF CRIMINAL OFFENDER RECORD INFORMATION (CORI)

- A. CORI may be released only to authorized recipients who have both a right to know and a need to know. Cal. Penal Code § 11081; 11 CCR § 703(b)
 - 1. Peace officers.
 - 2. District Attorneys.
 - 3. Prosecuting City Attorneys and City Attorneys pursuing civil gang injunctions or drug abatement actions.
 - 4. Probation and Parole officers.
 - 5. California Penal Code Section 11105 et seq. also provides a lengthy list of additional authorized recipients.
- B. Prior to receiving any material designated as CORI, an authorized recipient must complete and submit a “Request for Criminal Offender Record Information” form, EPD 52.
 - 1. When CORI is released to an authorized recipient who is not a member of this Department and the material is to be mailed or telephoned, it shall be the responsibility of the person releasing the information to complete an EPD 52.
 - 2. The completed forms shall be delivered to the Records Division where they shall be retained in the offender’s arrest packet or in other appropriate files for a period of not less than three years.

V. CRIMINAL RECORD SECURITY OFFICER

The Department’s Custodian of Records shall be the City’s California Law Enforcement Telecommunications System (CLETS) Coordinator and is the Department’s criminal record security officer. The Custodian of Records is responsible for ensuring compliance with this procedure and with applicable records’ security regulations and requirements imposed by federal and state law. Specific questions that arise regarding authorized recipients of CORI will be resolved by the Custodian of Records.

VI. RELEASE OF CRIMINAL OFFENDER RECORD INFORMATION (CORI)

- A. Only the persons listed below are authorized to release CORI.
 - 1. Department Custodian of Records.
 - 2. Full-time employees of the Records Division.
 - 3. Personnel specifically designated in writing by Bureau or Division commanders with the concurrences of the Custodian of Records.
- B. Escondido Police Department personnel shall not have access to CORI until a background investigation has been completed and approved.
- C. Background checks shall include submission of an applicant fingerprint card or Livescan transmission to DOJ for processing.
- D. Each authorized person releasing CORI is responsible for establishing that each request granted is legitimate and that the requester is an authorized recipient with a need to know.
 - 1. An authorized person releasing a manual rap sheet or abstract, a CHS crime summary, criminal history transcript, or information derived therefrom, is responsible for delivering to the Records Division a properly completed "Request for Criminal Offender Record Information" form, EPD 52.
- E. To ensure officers have reasonable access to summary criminal history information when the situation justifies it, while also protecting each citizen's right to privacy, the Department of Justice has adopted the following policy: "Audio response terminals and radio devices, whether digital or voice, shall not be used routinely for the transmission of summary criminal history information except when a peace officer determines all four criteria listed below exist:
 - 1. There is reasonable cause to believe the safety of the officer and/or the public is at significant risk;
 - 2. There is an immediate need for summary criminal history information;
 - 3. Information from other data bases, such as Wanted Persons or Stolen Vehicles, would not be adequate."
 - 4. The officer is unable to access the information through a mobile computer terminal.

CLARIFICATION: The supervisor in charge of the DOJ Criminal Records Division advises that it is permissible to release information, to officers in the field via radio, such as “The individual has time served for a particular offense.” In this case, Communications will not broadcast his name and specifics concerning his rap sheet. NOTE: If additional information is needed by the field officer in a non-emergency situation, it can be obtained via the telephone.

VII. JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, decisional law, or the policies and orders of the Juvenile Court for the County of San Diego regarding the release of juvenile offender records.

VIII. REVIEW OF CRIMINAL OFFENDER RECORD

California Penal Code Sections 11120 through 11127 provide the authority and procedure whereby an individual may review his California Department of Justice (CII) rap sheet.

IX. PROTECTION OF CRIMINAL OFFENDER RECORD INFORMATION (CORI)

- A. CORI shall be stored in the Records Division where proper security will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.
- B. Direct access to CORI stored in the Records Division shall be restricted to Records Division personnel. Any other Department personnel shall be designated by the Custodian of Records.
- C. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Division shall be restricted to those persons who possess the right to know and the need to know.
- D. The Custodian of Records shall keep, or cause to be kept, a record of each release of California DOJ rap sheets or information derived therefrom. The record shall be retained and available for inspection by DOJ personnel for a period of not less than three years from the date of release. This record shall contain the following:
 - 1. Date of release
 - 2. Name of requesting agency
 - 3. Name of requesting person (if possible)
 - 4. Name of receiving agency
 - 5. Name of receiving person (if possible)
 - 6. Method of transmitting the information.

- E. If a California DOJ rap sheet is included as a part of a document package, such as a complaint, probation presentence report, etc., and a record of the disposition or location of those documents is maintained, that record will suffice as a record of the release of the California DOJ rap sheet.

X. COMPUTER TERMINAL SECURITY

- A. To preclude access by other than authorized personnel, computer terminals capable of affording access to automated criminal offender record information shall be located only in authorized areas and will be monitored by the systems administrator. Non-criminal justice agencies shall not receive criminal offender record information directly from an automated criminal justice system.
- B. No one shall be authorized to operate or access CORI through a computer terminal until a record check has been completed on him/her and he/she has received authorization from the Custodian of Records.
- C. Authorized personnel accessing criminal record information in the field via mobile computer terminals shall take any and all measures necessary to assure that the information is viewed by or disclosed only to those persons authorized to receive such information as set forth in Section VI.
- D. A record of each release of CORI from the automated system shall be kept. It shall be retained and available for inspection by DOJ personnel for a period of not less than three years from the date of release. This record shall contain the following:
 - 1. Date of release
 - 2. Requesting terminal identifier
 - 3. Requester ID, name and reason
 - 4. The information given.
- E. Printouts of CORI obtained through systems development, test, or maintenance shall be destroyed after they have served their purpose.

XI. MEDIA SECURITY

- A. Media are the collective communication outlets or tools that are used to store and deliver information or data. The following media protection policies and procedures are in place to ensure that access to digital and physical media in all forms is restricted to authorized individuals. Digital and physical media containing Criminal Justice Information (CJI) are reports/copies of data stored in shared databases and may be destroyed when no longer needed in accordance with the City's retention schedule.

- B. Digital and physical media shall be stored within controlled areas. Access to digital and physical media is restricted to authorized individuals as designated by the Chief of Police.
- C. When media is moved outside of controlled areas, and media access remains restricted to authorized personnel.
- D. Digital media containing CJI while in transport shall be encrypted. Physical media shall be protected from unauthorized access.
- E. Prior to disposal, digital media that contains or contained CGI shall be sanitized, overwritten at least three times or degaussed, prior to disposal or release. Inoperable digital media shall be shredded when possible.
- F. Paper media containing CJI shall be destroyed by shredding or incineration.
- G. Sanitation / destruction of CJI media shall be witnessed by authorized personnel.

XII. DESTRUCTION OF CRIMINAL OFFENDER RECORD INFORMATION (CORI)

- A. When any document providing CORI has served the purposes for which it was obtained, it shall be destroyed. Since CORI documents are copies of information retained in a shared database, according to the City's retention schedule, CORI records may be destroyed immediately when no longer needed.
- B. When CORI is destroyed, the destruction shall be to the extent that the identity of the offender can no longer reasonably be ascertained. When criminal offender record information is destroyed outside of the department, a person designated by the Custodian of Records shall witness the destruction, 11 CCR § 701.

XIII. REPRODUCTION OF CRIMINAL OFFENDER RECORD INFORMATION (CORI)

- A. All copies of documents containing CORI shall be prepared in the Records Division by Records Division personnel.
- B. No CORI document shall leave the Records Division until it is stamped to indicate that it is a "Controlled Document" and "Not to be Duplicated." In the spaces outlined by the stamp, the date and the name of the agency of the recipient shall be recorded by the person releasing the document.

XIV. TRAINING PROGRAM

All personnel authorized to access, update, or release CORI shall be required to complete a training program prescribed by the Department of Justice. The Training Division shall coordinate the program and provide training in the proper use, control, and dissemination of CORI.

XV. PENALTIES FOR MISUSE OF CORI

- A. Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor. Cal. Penal Code § 11142.
- B. 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 Department of Justice, 11 CCR § 702.
- C. Exhibiting or divulging the contents of a criminal record to anyone not authorized to receive such information is a violation of Section 3.18 of the Escondido Police Department Rules of Conduct.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 09-16-20	NO: 1.23 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: POLICE OFFICERS' RAW NOTES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.23 Administration, dated August 22, 2014.

I. PURPOSE

To adopt procedures for preserving suspect and witness statements recorded in officers' notes.

II. GENERAL

Raw notes taken by sworn peace officers are made for the purpose of refreshing an officer's recollection when writing the final police report.

Information that should be entered in field notes includes names and descriptions of suspects, victims and witnesses; dates and times of occurrences; exact location of occurrences and persons involved; and any other important information such as case number, location and chain of evidence, assisting officers' activities and type of incident.

Officers are not required to retain raw notes. Raw notes may be destroyed in accordance with Section III, B of this Department Instruction.

III. POLICY

A. Note-Taking Format

1. Notes should be legible.
2. Notes should contain factual and accurate information. All relevant information contained in the officer's raw notes should be incorporated in the final police report.
3. Personal opinions of officers, and other extraneous comments, should be avoided.

B. Raw Notes Destruction

Officers may destroy their raw notes as long as:

1. They are destroyed in "good faith."

2. They are incorporated into a formal report.
3. The formal report accurately reflects the contents of the notes.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 09-28-22	NO: 1.24 ADMINISTRATION
TO: ALL SWORN PERSONNEL	SUBJECT: USE OF FORCE AND USE OF FORCE REVIEW COMMITTEE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.24, dated January 13, 2021.

I. PURPOSE

A. This policy provides officers of this Department with guidance regarding:

1. Use and application of force to ensure such applications are used only to effect arrests or lawful detentions, overcome resistance, or bring a situation under legitimate control;
2. Use of force reporting; and
3. Use of force committee review process.

B. This Department Instruction complies with SB 230 and AB 26, codified in California Government Code (“Govt. Code”) section 7286, and with the California Commission on Peace Officer Standards and Training Use of Force Standards and Guidelines (revised Nov. 4, 2020) (“POST UoF Std”).

II. BACKGROUND

- A. Law enforcement officers shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between officers and members of the public. When officers are called upon to detain or arrest a suspect who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they should consider tactics and techniques that may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely. The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone. Every person has a right to be free from excessive use of force by officers acting under color of law.
- B. The authority to use physical force, conferred on peace officers by California Penal Code section 835a is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.
- C. Peace officers may use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other

available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

- D. The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies. No policy can anticipate every conceivable situation or exceptional circumstance which officers may face. In all circumstances, officers are expected to exercise sound judgment and critical decision-making when using force options.
- E. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
- F. Individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. An estimated one-third to one-half of all fatal encounters with law enforcement involve individuals who may have a disability.
- G. Vesting officers with the authority to use force as determined by an objectively reasonable officer and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

III. DEFINITIONS

- A. “Deadly force” means 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.
- B. “Intermediate force” means any use of force that creates a significant risk of causing injury.
- C. “Non-deadly force” means any use of force that creates a minimal risk of causing injury.
- D. “Carotid restraint” means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person’s neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.
- E. “Choke hold” means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe.

- F. “Positional asphyxia” means situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person’s respiratory airway to be compressed or impairs the person’s breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person’s neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia.
- G. “De-escalation” is the use of strategies and/or techniques to gain voluntary compliance from an individual in order to gain or maintain control of an incident while reducing the need for physical coercion. (Refer to Department Instruction 1.28 – De-Escalation and Crisis Intervention.)
- H. “Intercede” includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to deescalate the offending officer’s excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the Watch Commander on duty and stating the offending officer’s name, unit, location, time, and situation, in order to establish a duty for that officer to intervene.
- I. “Retaliation” means demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty.
- J. “Feasible” means 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.
- K. “Imminent” means a threat of death or serious bodily injury occurs 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 peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.
- L. “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

IV. DEPARTMENT POLICY

A. GENERAL

1. It is the policy of this Department that officers shall use only that amount of force which reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effect a lawful detention, arrest or to defend himself/herself or others. Any analysis of the use of force in the course of an arrest, investigatory stop, or other “seizure” of a free citizen shall be analyzed under the Fourth Amendment and its “objective reasonableness” standard. *Graham v. Connor* (1989) 490 U.S. 386, 395-398.
2. An officer 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.
3. “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.” Cal. Penal Code § 835a(b)
4. “A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other deescalation tactics.” Cal. Penal Code § 835a(d).
5. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, the Department’s policy shall provide that de-escalation techniques must be used whenever feasible, that force only be used when objectively reasonable or in the case of deadly force, when necessary to counter an imminent threat of death or serious bodily injury, and that the amount of force used is proportionate to the situation that an officer encounters.
6. No policy can anticipate every conceivable situation or exceptional circumstance which officers may face. Further, these standards and guidelines are not intended to create or impose any legal obligations or basis for legal liability absent direction by a legislative body, court, or agency. Nevertheless, the Department’s use of force policies and training may be introduced in legal proceedings involving an officer’s use of force and may be considered as a factor in determining the reasonableness of the officer’s actions.

7. The authority to use force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. Use of force must be for a lawful objective. Officers may use force to meet legitimate law enforcement objectives including:
 - a. To effect a lawful arrest, detention, or search;
 - b. To overcome resistance or to prevent escape;
 - c. To prevent the commission of a public offense;
 - d. In defense of others or in self-defense;
 - e. To gain compliance with a lawful order; and
 - f. To prevent harm to the officer or another person during intervention in a suicide or other attempt to self-inflict injury.

B. REASONABLENESS FACTORS

1. “Reasonableness” of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of “reasonableness” must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation. The amount of time available to evaluate and respond to changing circumstances may impact an officer’s use of force decision.
2. Determining whether the force used to effect a particular seizure is objectively “reasonable” under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the countervailing governmental interests at stake. The proper application of force requires careful attention to the facts and circumstances of each particular case including:
 - a. The severity of the crime at issue,
 - b. Whether the suspect poses an immediate threat to the safety of the officers or others, and
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight. *Graham v. Connor*, 490 U.S. at 396.
3. The *Graham* factors listed above are not exclusive. The essence of the *Graham* objective reasonableness analysis is that the force which was applied must be balanced against the need for that force.

4. While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. A peace officer deciding to use force should consider the following non-exclusive factors:
 - a. Whether there is a legal basis for the use of force;
 - b. Whether the individual posed an imminent threat to the public, other officers, and themselves;
 - c. The nature and severity of the threat;
 - d. The nature and severity of the situation;
 - e. Whether the individual was attempting to evade arrest by flight;
 - f. The level of resistance by the individual;
 - g. The conduct of the individual involved in the confrontation, as perceived by the officer at the time of the incident;
 - h. The number of officers on scene;
 - i. The conduct of the involved officer(s);
 - j. Medical conditions, mental impairment, substance interaction, developmental disabilities, and other physical and mental characteristics;
 - k. The risk of harm to the officer, bystanders, and the individual by using force;
 - l. If there is a less injurious alternative available to the officer using de-escalation and/or crisis intervention techniques;
 - m. Prior knowledge or contact with the individual or awareness of any propensity for violence;
 - n. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others;
 - o. The apparent need for immediate control of the individual or prompt resolution of the situation;
 - p. The environmental factors and/or other exigent circumstances;

- q. The training and experience of the officer(s);
 - r. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, and number of officers versus subjects); and
 - s. Other exigent circumstances.
5. The “most important” *Graham* factor is whether the suspect posed an “immediate threat to the safety of the officers or others.” Police officers need not employ the “least intrusive” degree of force possible. But, to assess the reasonableness of each application of force a court will balance the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion. A use of force with a greater chance of serious bodily injury will require a greater governmental interest to be deemed reasonable.

C. LEGISLATIVE REQUIREMENTS

In accordance with Senate Bill 230 and Assembly Bill 26, and effective 2021, all California law enforcement agency use of force policies are required to include the following legislative mandates:

1. Officers shall use de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible. (Govt. Code § 7286(b)(1), POST UoF Std #2)
2. An officer 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. (Govt. Code § 7286(b)(2), POST UoF Std #3)
3. Officers shall report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer. (Govt. Code § 7286(b)(3), POST UoF Std #9)
4. Officers shall rely on Department Instruction 1.5, Use of Firearms: Reporting and Investigation of Shooting Incidents, for specific guidelines addressing situations in which officers may or may not draw a firearm or point a firearm at a person. (Govt. Code § 7286(b)(4), POST UoF Std #6)
5. Officers shall consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm. (Govt. Code § 7286(b)(5), POST UoF Std #7)

6. The Department shall not authorize techniques or transport methods that involve a substantial risk of positional asphyxia. Refer to Department Instruction 1.43 – Use of WRAP Restraint Device. (Govt. Code § 7286.5(a)(2))
7. All Public Records Requests related to the disclosure of the use of force will follow the procedures dictated in Department Instruction 1.18, Public Records Requests, in accordance with California Penal Code section 832.7. (Govt. Code § 7286(b)(6), POST UoF Std #18)
8. Department Instruction 1.12, Civilian Complaint Reception and Investigation Procedure, provides policy and procedures for the filing, investigation, and reporting of citizen complaints. (Govt. Code § 7286(b)(7), POST UoF Std #17)
9. An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject. (Govt. Code § 7286(b)(8), POST UoF Std #9)
10. Comprehensive and specific guidelines regarding approved methods and devices available for the application of force are provided throughout this Department Instruction and in the following specific Department Instructions: (Govt. Code § 7286(b)(9), POST UoF Std #4)
 - a. 1.2B Equipment and Weapons
 - b. 1.5 Use of Firearms: Reporting and Investigation of Shooting Incidents
 - c. 1.6 Use of Chemical Agents
 - d. 1.10 San Diego Countywide Pursuit Protocol
 - e. 1.27 Use of the Baton
 - f. 1.29 Use of an Electronic Control Device (ECD)
 - g. 1.46 Use of “Specialty” Munitions
 - h. 4.15 Police Service Dogs
 - i. 4.19 High-Risk Stops
11. Officers shall carry out duties, including use of force, in a manner that is fair and unbiased. (Govt. Code § 7286(b)(10), POST UoF Std #1)

12. Comprehensive and specific guidelines for the application of deadly force are provided throughout this Department Instruction and in Department Instruction 1.5, Use of Firearms: Reporting and Investigation of Shooting Incidents. (Govt. Code § 7286(b)(11), POST UoF Std #5)
13. Sections VII, Supervisor Notification, and VIII, Use of Force Reporting, below, provide comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with Govt. Code section 12525.2. (Govt. Code § 7286(b)(12), POST UoF Std #12)
14. Supervisors shall ensure all uses of force are appropriately documented as provided below in Section VII, Supervisor Notification, and Section VIII, Use of Force Reporting. (Govt. Code § 7286(b)(13) POST UoF Std #10 and #13)
15. Officers shall promptly provide, in accordance with their training, and promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so. (Govt. Code § 7286(b)(14), POST UoF Std #11)
16. Officers shall complete annual training as provided in Department Instruction 1.41, Core Policy Training, to address training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors. (Govt. Code § 7286(b)(15), POST UoF Std #20)
17. Officers shall complete annual training as provided in Department Instruction 1.41, Core Policy Training, to specifically address training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities. (Govt. Code § 7286(b)(16), POST UoF Std #19)
18. Department Instruction 1.5, Use of Firearms: Reporting and Investigation of Shooting Incidents, provides comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted. (Govt. Code § 7286(b)(17), POST UoF Std #8)
19. Supervisors and the Use of Force Committee shall use factors provided throughout this Department Instruction, including Section IV, to evaluate and review all use of force incidents. (Govt. Code § 7286(b)(18), POST UoF Std #14)
20. Officers shall complete annual training as provided in Department Instruction 1.41, Core Policy Training, to address training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy. Additionally, officers shall complete all POST required training courses based upon the POST Use of Force Standards and

Guidelines including the following topics: Fair and Unbiased Policing; De-escalation and Force Alternatives; Application of Use of Force; Application of Deadly Force; Use of Firearms; Intervention and Reporting Requirements; Medical Aid; Reporting the Use of Force; Supervisor's Responsibility; Use of Force Incident Review; and Department Policy Review and Availability. (Govt. Code § 7286(b)(19), POST UoF Std #21)

21. This Department Instruction shall be reviewed annually and updated to reflect developing practices and procedures. (Govt. Code § 7286(b)(20), POST UoF Std #16)

D. USE OF FORCE WARNING

1. When feasible, officers must provide a verbal warning prior to using force. The warning must be sufficient to alert the person that force is about to be used and should allow enough time for a suspect to comprehend and comply with the command.

E. DEADLY FORCE APPLICATIONS

1. Officers must evaluate and use other reasonably available resources and techniques if an objectively reasonable officer would consider it safe and feasible to do so, under the totality of the circumstances, when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and potential risks to bystanders prior to using deadly force, such as use of a firearm.
2. Officers, in determining whether deadly force is necessary, shall evaluate each situation in light of the particular circumstances of each case, and they must use other reasonably available resources and techniques if an objectively reasonable officer would consider it safe and feasible to do so.
3. A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
 - a. To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
 - b. 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. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves 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.

4. A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
5. Deadly force applications may include but are not limited to the following (listed alphabetically):
 - a. Baton (Intentional Strikes to head, neck, spine, sternum, groin or kidneys).
 - b. Firearm discharge.
 - c. Low lethality impact munitions (discharged to head, neck, spine, sternum, groin or kidneys when fired at a distance less than five yards).
 - d. Ramming.

F. NON-DEADLY FORCE APPLICATIONS

1. Any application of force that is not reasonably anticipated to result in death or serious bodily injury shall be considered non-deadly or non-lethal force. However, it is important for each officer to know that any level of force can pose some risk of serious bodily injury or death.
2. The use of the carotid restraint or any form of “choke-hold” is no longer a trained, authorized use of force application.
3. Non-deadly force applications may include but are not limited to the following (listed alphabetically):
 - a. Baton (Strikes to specific body parts).
 - b. Chemical agents.
 - c. Control holds.
 - d. K-9 deployment.
 - e. Less lethal munitions.
 - f. Maximum restraints and maximum restraint chair.

- g. Pepperball.
- h. Personal body weapons.
- i. Taser (ECD).

G. FORCIBLE STOPS

1. A forcible stop is defined as one in which a vehicle or other object is used to physically stop or otherwise alter the course of another vehicle's movement. These tactics include ramming of vehicles, box-ins, channelization, barricades, or placing of objects in the path of the vehicle. Depending on the circumstances of the pursuit, these tactics may be considered deadly force.
2. These tactics shall only be used when the suspect's actions constitute an immediate and life-threatening danger to the public.
3. If barricading is deemed absolutely necessary, a supervisor may approve the use of police vehicles if no other suitable equipment is available. In no case will roadways be barricaded by occupied vehicles.

H. TRAINING

The Training Division is responsible to ensure all officers receive, minimally, annual training in the objectives, procedures and legal requirements outlined in this policy, in accordance with established California Peace Officer Standards and Training (POST) guidelines.

V. MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

- A. Officers have a duty, as soon as it is safe and practical, to provide or request medical aid.
- B. Officers shall promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so, to include any person(s) who has sustained visible injury, expressed a complaint of pain, indicates they are having difficulty breathing, or who has been rendered unconscious. A person exposed to chemical agents shall be offered water to rinse their face as soon as practical.
- C. Following a use of force incident, the on-scene supervisor, or, if the on-scene supervisor is not available, the primary officer should ensure that any person providing medical assistance or receiving custody of an individual on which force was used, is informed that the person was subjected to force. Notification should include all relevant information, including:

1. The type and level of force used,
2. Duration of the force or struggle,
3. Visible injuries,
4. Respiration impairment, and
5. Any other information an objectively reasonable officer would believe relevant to the health and safety of the individual.

VI. DUTY TO INTERCEDE/DUTY TO REPORT

- A. Officers are required to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.
- B. Officers are required to report excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.
- C. Retaliation against an officer that reports a suspected violation of a law or regulation of another officer to a supervisor or other person of the agency who has the authority to investigate the violation is prohibited. (Govt. Code § 7286(b)(4))
- D. Per state law, an officer who has received all required training on the requirement to intercede and fails to act shall be disciplined up to and including in the same manner as the officer that committed the excessive force. (Govt. Code § 7286(b)(19))

VII. SUPERVISOR NOTIFICATION

- A. A peace officer who has used any level of force shall notify a supervisor as soon as practical. Immediate notification shall occur in the following scenarios:
 1. Any application of deadly force.
 2. When the application of force appears to have caused physical injury and/or significant property damage.
 3. The individual expressed a complaint of pain.
 4. Any application of the Taser or less lethal munitions.

5. When the individual has been rendered unconscious.
 6. When any first aid, medical evaluation or assistance is rendered.
 7. Any situation involving the ramming of a vehicle.
- B. When a supervisor is able to respond to a reported use of force incident, under Section 7286(b)(13) of the Government Code, the supervisor should:
1. Obtain the basic facts from officers involved in the incident;
 2. Ensure any injured parties are examined and treated;
 3. Promptly identify individuals who may have witnessed the use of force occurrence and ensure statements are obtained from the witnesses. Supervisors should separate witnesses if feasible to do so;
 4. When possible, obtain a separately recorded interview with the individual upon whom force was applied. If the interview is conducted without voluntary waiver of Miranda rights, the following shall apply:
 - a. The content of the interview should not be summarized or included in any related criminal charges.
 - b. The fact that a recorded interview was conducted should be documented in a property or other report.
 - c. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
 5. Ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. Photographs should also be taken of the scene where the use of force incident occurred. These photographs should be retained until all potential for civil litigation has expired.
 6. Ensure compliance with proper agency reporting procedures and submit reporting through appropriate channels.
 7. Determine if there is any indication that the individual may pursue civil litigation. If there is an indication of potential litigation, the supervisor should provide notification of a potential claim to appropriate agency personnel.

VIII. USE OF FORCE REPORTING

- A. Any use of force or show of force by a member of this Department shall be documented completely and accurately in an appropriate use of force report. A show of force is defined as, "Any display of a Department-issued weapon for the expressed purpose of gaining compliance, effecting an arrest or modifying the behavior of a person being contacted during the course of official police business." The report will be completed prior to the end of the officer's shift unless a supervisor authorizes the officer to hold the report.
- B. Every use of force report shall clearly describe, under a separate heading, all injuries or lack of injuries to officers and suspects. In use of force cases where multiple officers are writing reports, the documentation of injuries is the responsibility of the case agent. If the suspect receives medical treatment, the report should include where the treatment occurred and how the suspect was transported to the treatment facility. Photos will be taken in all use of force cases to show injuries or the lack of injuries, as well as the scene of the use of force incident.
- C. Officers shall check the use of force box under the Special Studies section of RMS whenever force or a show of force is used. On the RMS Administrative subject line, officers shall document that the report is held for the supervisor who was notified of the use of force. When possible, the supervisor first notified of the use of force or who responded to the scene where the incident occurred should review all use of force reports related to the incident. If the initial supervisor is unable to review the reports, he or she will brief an alternate supervisor about the incident who will then assume the responsibility for reviewing all use of force reports related to the case. Prior to approving an arrest report, the reviewing supervisor shall also review the relevant downloaded video documenting the use of force.
- D. During the police report approval process, reviewing supervisors, usually field sergeants, shall conduct an initial review to assess the use of force in relation to current policies, procedures and training. In addition to addressing any report-writing deficiencies, reviewing supervisors should conduct informal training and/or take other administrative action as appropriate. If the reviewing supervisor takes any action or has concerns, the supervisor shall provide such information to the Committee Chair when the report is forwarded to the Use of Force Review Committee. At any time in the process, the Use of Force Committee Chair and Co-chair are available to provide any assistance to a reviewing supervisor.
- E. Use of force reports should include a description of the warning(s) given by the officer(s). When not feasible to provide a warning, the report should also document the officer's reasoning.
- F. The Special Weapons and Tactics Team (SWAT), Mobile Field Force, and Investigations Personnel serving pre-planned warrants (search or arrest) will

document all use of force in their Department-approved reports (“After Action” or “Criminal Investigation”) as required by their individual unit policies.

IX. USE OF FORCE REVIEW COMMITTEE

- A. The Use of Force Review Committee provides a secondary review of all uses of force, including any show of force, with the goal of learning from each application of force and then applying those lessons. The Committee provides feedback to individual officers and evaluates the need for any changes to Department wide training or policy.
- B. The Use of Force Review Committee shall include a Lieutenant (Chair), a Sergeant (Co-Chair), and two other members as designated by the Chair. A designated Department defensive tactics instructor, a POA representative, and others may participate in the review process as deemed necessary by the Chair. When addressing the use of force involving K-9, SWAT, or other specialized units, the Committee Chair shall invite a representative from the respective unit to participate in the Use of Force Committee review of the incident.
- C. Each member of the Use of Force Review Committee will read each use of force report, including all uses of the prisoner restraint chair. Instead of the Use of Force Review Committee, the Department’s Shooting Review Board reviews all officer involved shootings.
- D. The Use of Force Review Committee will meet monthly. The meeting date will be established by the Committee Chair.
- E. Following the Use of Force Review Committee analysis, the Committee will document any training or policy issues that should be addressed Department wide. The Committee Chair will forward any Department wide recommended training or policy changes to the Chief of Police or designated representatives.
- F. Following the review of any use of force incident which may result in documented training/counseling or potential discipline, the Committee Chair shall communicate directly with the Chief of Police to determine the appropriate course of action.
- G. A log of all cases reviewed will be maintained by the Training Manager for two years.
- H. The Committee Chair will provide the Chief of Police a monthly report of cases reviewed and training or policy issues noted. All trends or patterns that do not rise to the level of discipline or investigation will be communicated to supervisors with the monthly report. Supervisors shall pass this information on to all officers who they supervise.
- I. A year-end summary report and presentation will be completed by the committee and submitted to the Command Staff for discussion as directed by the Chief of Police by March 1st of the following year.

- J. The Committee Chair shall report use of force incidents to the California Department of Justice in compliance with California Penal Code section 12525.2.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 8-16-17	NO: 1.25 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: RESPECTFUL WORKPLACE : DISCRIMINATION/SEXUAL HARASSMENT/RETALIATION POLICY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes D.I. 1.25, dated November 14, 2005 (ALL PAGES NEW).

I. PURPOSE

City Manager's Administrative Directive No. 34, Respectful Workplace: Discrimination, Harassment, and Retaliation Prevention Policy sets forth the City of Escondido's zero tolerance policy against all forms of discrimination, harassment, and retaliation. This policy also serves to inform all City employees, volunteers and contractors of their rights and obligations, and provides procedures for complaints and investigations of discrimination, harassment, and retaliation complaints. The City policy can be found on the City's Intranet / By the Book / Admin Directives / Discrimination and Sexual Harassment Policy. This Instruction provides Department unique procedures to implement the City policy.

II. POLICE DEPARTMENT COMPLAINT PROCEDURES

A. Reporting Complaints of Discrimination, Harassment, and/or Retaliation

In the Department's effort to maintain an environment free from discrimination and harassment, members are encouraged to allow the Department to remedy any incidents or complaints. All members of this Department are encouraged to report harassment before it becomes severe or pervasive. Members are permitted to go outside of their chain of command and the Department encourages all members to report complaints of discrimination, harassment, and/or retaliation to the Internal Affairs Unit or to the Chief of Police as soon as possible so that the complaint can be timely and fairly resolved. If the Chief of Police is the subject of the complaint, the complaint should be reported to the Director of Administrative Services or the City Manager. When possible, the complaint should include details of the incident(s), names of the individuals involved, and names of any witnesses.

Members may file either a formal or an informal complaint with the Internal Affairs Unit. An informal complaint may be filed verbally. A formal complaint shall be in writing and submitted on the City of Escondido Discrimination/Harassment Complaint Form (Attached as Appendix A or available on the City's Intranet site listed below).

<https://intranet.escondido.org/Data/Sites/8/media/docs/DiscriminationHarassmentComplaintForm.doc>).

Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of discrimination and harassment. Supervisors should report to the Internal Affairs Unit or to the Chief of Police. Failure by a supervisor to appropriately report or address such discrimination and/or harassment complaints or suspected acts shall be considered to be in violation of this Policy. When a complaint is received from a member, the Internal Affairs Unit, or appointed designee, will immediately conduct a thorough and objective investigation of the allegation. Whether or not any alleged action constitutes discrimination or harassment will be determined on a case-by-case basis by assessing the entire record and the totality of the circumstances.

Where applicable, all relevant procedural protections under California Government Code §§3300, et seq. shall be observed when conducting investigations of Escondido peace officers as defined by California Penal Code §§830.1, 830.2, 830.3, 830.31 (except subdivision (f)), 830.4 (except subdivision (f)) and 830.5.

Upon completion of the investigation, the Chief of Police, in consultation with the Director of Administrative Services will determine whether discrimination, harassment, and/or retaliation has occurred and what action will be taken, if any.

B. ANNUAL POLICY REVIEW

Department supervisors shall provide and review the EsPD #220 form (Attached as Appendix B) to each member at annual performance evaluation sessions. Members will indicate their understanding of this Department Instruction and any assistance they might require.

Appendix A
CITY OF ESCONDIDO
DISCRIMINATION/HARASSMENT COMPLAINT FORM

A. Tell us about you:

Your Name: _____

Address: _____

Telephone Numbers: Home: _____ Work: _____ Fax: _____

Name of Representative: _____ Of: _____
(If Any) (Organization)

Are you a City Employee? ___ Yes ___ No If yes: Department: _____

Division: _____ Position: _____ Supervisor: _____

B. Tell us about your complaint:Name of person(s) or employee(s) and department(s) of alleged offenders(s):

Name of witnesses (if available): _____

Time of day (approx.): _____ Date and Day of the week: _____

Address: _____

Telephone Number: _____

C. Description of alleged discriminatory act:

Include all of the dates, times, and other information necessary to review the specific issue giving rise to the complaint. (If you need more room, feel free to attach additional sheets):

D. Resolution requested and why:

Complainant's Signature: _____ Date: _____

Submit this form to the Director of Administrative Services. Your complaint will be thoroughly reviewed by the appropriate staff. You will receive a response within ten working days. If you have any questions or concerns prior to the response, please call (760) 839-4643.

Appendix B
Escondido Police Department
Sexual Harassment Annual Policy Review Form

Respectful Workplace

The City of Escondido, along with the Escondido Police Department, is committed to providing a wholesome work environment where respect for individual employees is encouraged and safeguarded, free from harassment. It is the responsibility of the City and of all employees to curtail offensive or unwelcome behavior in the workplace and, when necessary, advise a supervisor or management personnel of this sort of behavior.

City Manager's Administrative Directive No. 34. describes certain forms of harassment and misconduct that are inappropriate in the workplace. Furthermore, this section describes the supervisor's and the employee's responsibilities in investigating and eliminating these forms of inappropriate behavior.

Employee Statement

I understand that misconduct and/or harassment in Administrative Directive No. 34 and Department Instruction 1.25 can lead to severe discipline, up to and including termination of employment. I have been made aware of and understand that, if such conduct occurs to me or if I observe it occurring, I should immediately speak with the offender, if possible, or with my supervisor or other appropriate personnel in order to resolve the situation. If I feel uncomfortable or unwilling to talk with my immediate supervisor, I understand that the provisions of Department Instruction 1.25 allow me to go outside of my chain of command. If I feel that the actions taken in response to my complaint of concern are not satisfactory, I am aware that Administrative Directive No. 34 allows additional resources of assistance, including the City of Escondido Human Resources office, the Equal Employment Opportunities Commission (EEOC), and the Department of Fair Employment and Housing (DEFH).

Please check one of the following:

☐ I understand this sexual harassment policy and have no current harassment and /or discrimination issues or incidents that are of concern to me, nor am I aware of any harassment and/or discrimination issues or incidents involving any other employees.

☐ I understand this sexual harassment policy. I would like to speak with a supervisor regarding issue(s) of harassment and/or discrimination that are of a concern to me or other individuals. I would feel most comfortable speaking with a:

☐ Sergeant	☐ Chief of Police
☐ Lieutenant	☐ Human Resources
☐ Captain	☐ Other: _____

Print Name: _____

Signature: _____ Date: _____

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 09-16-20	NO: 1.26 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: USE OF CITIZEN VOLUNTEERS IN THE POLICE DEPARTMENT	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.26, dated September 19, 2014.

I. PURPOSE

To establish a policy about the use of citizen volunteers to ensure that they are managed and supervised effectively.

II. BACKGROUND

Volunteers have been involved in policing since the time of the earliest settlements. Since September 11, 2001, the need for volunteers is greater than ever. President Bush called upon Americans “to dedicate at least two years of their lives to their communities, and country.” Volunteers with police departments will be known as Volunteers in Police Service (VIPS). Volunteers have been used by law enforcement to augment law enforcement services in times of emergency. We have a long history of using volunteers as Reserve officers, Posse officers, Jail matrons, Motorcycle Drill Team members, Cadets, Explorers, and office assistants.

Volunteers perform a wide variety of duties throughout the Department, enabling our personnel to concentrate on specialized tasks and better manage their workflow. Some of our programs are volunteer driven and would not exist without them.

Volunteers can be used in many aspects of police work, not to replace officers, but to relieve officers of those jobs that don't require their specialized police training and skills to accomplish.

III. POLICY

- A. Our Citizen Volunteer Program will be known as Volunteers in Police Service or VIPS.
- B. Only citizens with high moral character and reputation will be accepted as volunteers.
 1. Applicants will submit an application and sign a waiver form. The application process will specify a 16-hour minimum requirement each month.
 2. A background investigation will be conducted, and it will include:
 - a. CII fingerprint search;

- b. Local and NCIC warrant checks;
 - c. Credit check (for sensitive assignments);
 - d. Personal reference check;
 - e. Previous and current employer check;
 - f. A polygraph interview (for sensitive assignments).
- C. Applicants will be interviewed to assess their interests and capabilities.

It is very important to place a volunteer where he/she is accepted, comfortable and challenged.

- D. The (VIPS) coordinator will be assigned to the Uniform Bureau.

IV. ORIENTATION

- A. Station tour and introductions:

Those accepted as volunteers will be given a tour of the Department and introduced to the administrators, managers, supervisors, and the employees in the section to which they will be assigned.

- B. Materials furnished:

1. VIPS Handbook

VIPS handbook will include information about the organization, its functions, and rank structure.

2. Name Tag

The current Department-approved ID, bearing the word "VOLUNTEER," will be worn by the volunteer while on duty, but not while in uniform.

3. Tools to do the assigned job:

- a. Any office equipment or specialized materials necessary to do any task will be provided just as if the volunteer were a regular employee.
- b. No volunteer will be required to spend personal money for equipment to do any job we assign.

V. PRINCIPLES OF SUPERVISION OF VOLUNTEERS

Volunteers are supervised differently from regular employees. Employees are compensated and have an opportunity for advancement and many other benefits. Volunteers are donating their time, so it is important to remember that their motivation comes from a feeling of being appreciated, doing meaningful work and a sense of accomplishment.

A. Remember:

1. Integrate the volunteer with regular employees. Part of the job satisfaction comes from being affiliated with Department personnel and the association with others. The concept of the City of Choice will also incorporate our volunteers.
2. Assign the volunteer to one employee, or a team of employees. This relationship is very important to the success of the program. Ideally, the employee can isolate a part of his job that he/she can assign to the volunteer. This way the volunteer can become expert in a small area of work.
3. Provide work space.
4. Have a job description written out before the volunteer begins.
5. Train in all phases of the job you want the volunteer to do. Be very specific.
6. Communicate often with the volunteer(s); remember they are an important part of our team, too.
7. Provide meaningful work and specific tasks for the volunteer; busywork ensures failure.
8. Be sure your employees support the VIPS program. If they haven't, don't force a volunteer on them. These employees will see volunteers reducing workloads in other sections and may change their attitudes.
9. Require your volunteers to notify their supervisor if they will be absent, late, on vacation, or out due to illness.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 02-17-22	NO: 1.27 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: USE OF THE BATON	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.27, dated February 4, 2021. Cross reference: Department Instruction 1.24, Use of Force and Use of Force Review Committee.

I. PURPOSE

To establish policies and procedures for the use of the baton.

II. EQUIPMENT

- A. Personnel will carry and use only batons approved or issued by the Department to include: The 24-inch side handle baton or straight expandable baton with a recommended minimum length of 26 inches. The 36-inch riot baton may be carried only when issued by the Department during emergency situations.
- B. The approved side handle baton and collapsible baton will be issued by the Department to all officers. Non-issued batons may be carried by officers at their own expense and shall be approved by a Defensive Tactics supervisor.
- C. It is the responsibility of each officer to keep and maintain their baton in good working condition. No unauthorized modifications will be made to the baton.
- D. Officers and detectives who carry an expandable baton are required to have their 24" side-handle baton in their vehicle at all times.

III. AUTHORIZED PERSONNEL

Uniformed officers shall carry the baton while on duty.

IV. TRAINING

All officers are required to participate in defensive tactics training designed for the type of Department-approved baton carried by the officer. Prior to carrying any baton, all officers are required to demonstrate competency by completing a Department-approved training course or have recently graduated from a California POST-approved Police Academy or POST waiver course. All batons shall be inspected and approved by a member of the Defensive Tactics Staff.

V. AUTHORIZED USE - POLICY

- A. A baton may be used in self-defense to protect an officer or another person from assaultive behavior, to overcome active resistance, and as a non-striking weapon or tool.
- B. Only approved baton strikes and control techniques will be used.
 - 1. Approved baton strikes shall only be used against a subject exhibiting assaultive behavior, and include the following areas:
 - a. Upper and lower extremities;
 - b. Muscular areas of torso;
 - c. Pelvis;
 - d. Buttocks.
 - 2. Intentional baton strikes to the following areas are prohibited unless deadly force is authorized:
 - a. Head;
 - b. Neck;
 - c. Throat;
 - d. Spine;
 - e. Kidney;
 - f. Groin.
- C. Display of a baton may be used as a show of force to gain compliance of an aggressive, non-compliant subject. Officers shall not use or handle batons in an imprudent manner.
- D. The baton may be used as a non-striking, control-technique device against an actively resistant or aggressive subject. Non-striking control techniques must be reasonable and necessary in order to obtain control and gain compliance.
- E. When using a baton, the officer must constantly evaluate the effectiveness of each baton technique used and, when safe to do so, provide the subject the opportunity to comply.
- F. In emergencies, the baton may be used as a tool to assist the officer to gain entry into a locked vehicle or building when lawful access is required.

VI. MEDICAL ATTENTION

Appropriate injury assessment and first-aid treatment for subjects struck with a baton will be initiated by the officer at the earliest practical moment. Persons struck with a baton shall be transported to the hospital for medical clearance.

VII. REPORTING THE USE OF THE BATON

- A. Any usage of a baton on an individual requires supervisor notification and will be documented in the appropriate report, to include evidentiary documentation such as the make/model of the baton. Photographs should be taken of the individual regardless of injuries. Refer to reporting requirements found in Department Instruction 1.24, Section VII SUPERVISOR NOTIFICATION and Section VIII USE OF FORCE REPORTING.
- B. All reports which document a use of force against a person shall be flagged in RMS with a "Use of Force" special studies code.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 02-17-21	NO: 1.28 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: DE-ESCALATION AND CRISIS INTERVENTION	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This is a new Department Instruction.

I. PURPOSE

The purpose of this policy is to provide officers of this Department with guidelines on de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.

The Escondido Police Department is guided by the overarching principle of reverence for human life in all investigative, enforcement, and other interactions between law enforcement and members of our diverse community. The Escondido Police Department is committed to providing peace officers with the training, equipment and resources necessary to encourage peaceful resolutions.

This Department Instruction should be applied in context with D.I. 1.24 Use of Force and Use of Force Review Committee. This Department Instruction does not supersede or modify D.I. 1.24.

II. BACKGROUND

Senate Bill No. 230 requires each law enforcement agency to maintain a policy that provides guidelines on the use of de-escalation techniques.

III. DEFINITIONS

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

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

IV. DEPARTMENT POLICY

- A. The Escondido Police Department is committed to achieving a safe resolution to conflict whenever possible. Subsequently, the Department trains its officers in tactics, techniques, and strategies to control these types of incidents using time,

distance, communications, and other available resources in an effort to de-escalate encounters and gain voluntary compliance.

- B. When safe and reasonable to do so and based on the totality of the circumstances, officers should use de-escalation tactics consistent with Department training and policy in an attempt to persuade the subject to voluntarily comply or to reduce the need to use a higher level of force.
- C. In some situations, disengagement may be appropriate and provide the best opportunity for a peaceful outcome. Successful disengagement can provide additional time, allowing officers to make decisions, deploy additional resources, reduce situational intensity and increase the likelihood of outcomes with greater voluntary compliance. Anytime officers intend to disengage from an incident, they should attempt to advise involved individuals of the withdrawal from the incident. Police officers should attempt to ensure those involved have had the opportunity to establish a position of relative safety with respect to the incident, and they are aware that officers will no longer be present to protect the safety of the involved persons.
- D. Successful resolution of an encounter relies ultimately on the cooperation of a subject to provide officers with the time and opportunity to employ de-escalation techniques. Cooperation is more likely obtained by conveying respect and professionalism to the subject throughout the contact.
- E. While the ultimate objective of every subject encounter is to avoid or minimize injury, nothing in this Department Instruction requires an officer to retreat or be exposed to a potential physical injury before applying reasonable force.

V. APPLICATION AND METHODS OF DE-ESCALATION

- A. Pre-engagement- When feasible and when circumstances dictate, officers should attempt to gather and access historical and/or other relevant information prior to making contact. Available information should be used when evaluating tactics and available resources.
- B. Engagement- When feasible and when circumstances dictate, officers should deploy engagement tactics consistent with Department policy and training. Some of those tactics may include active listening, establishing effective lines of communication, presenting lawful orders, requesting cooperation, and providing clear and concise direction to achieve voluntary compliance.
- C. Disengagement- In some situations, disengagement may be a viable option for individuals in crisis who pose no additional threats to others, or resistant offenders who may later be apprehended under safer conditions. Disengagement is not a retreat or loss of control, but is an option to withdraw any further contact and/or speech in order to defuse or prevent unintended or unwanted events.

VI. DEPARTMENT TRAINING

It is the policy of this Department that officers will be trained on de-escalation policies and practices annually.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-20-22	NO: 1.29 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: USE OF A CONDUCTED ENERGY WEAPON (CEW)	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.29, Use of Electronic Control Device (ECD), dated March 9, 2021. Cross reference: Department Instruction 1.24, Use of Force and Use of Force Review Committee.

I. PURPOSE

To establish policies and procedures for the use of a TASER Conducted Energy Weapon (CEW).

II. GENERAL

A CEW is a handheld, battery operated weapon system used as a means to subdue and gain control of a subject displaying assaultive behavior, and is considered an intermediate force option. The CEW can cause physiological effects such as pain and injury. Escondido PD currently operates three CEW Models: the Taser 7, X26P and X26E. All three CEWs can be operated in dart mode. The X26P and X26E have a drive-stun mode feature. All three devices have a laser sight that can be used as a show of force in an effort to achieve compliance. The Taser 7 is also equipped with a warning arc function that can be used as a show of force in an effort to achieve compliance.

- A. Dart Mode. In dart mode, a CEW can propel two barbed probes to contact a person or animal to transfer electricity via an insulated conductive wire. The electricity has the ability to affect a person's or animal's sensory and motor nervous systems. This effect is referred to as Neuromuscular Incapacitation (NMI). The neuromuscular incapacitation caused by a CEW can provide a brief opportunity to initiate arrest techniques.
- B. Drive-stun Mode. In drive-stun mode, an officer places two electrode contacts, located on the front of the cartridge and the front of the CEW (if the cartridge has been removed) directly against the person or animal. In this mode, a CEW delivers an electric shock, but it does not affect the suspect's motor nervous systems. The Taser 7 is not equipped with a drive-stun mode.
- C. Laser Sight. The X26P and X26E are equipped with a red laser. The laser projects a red dot that designates the approximate impact point of the top probe. The Taser 7 projects a green dot that designates the approximate impact point of the top probe and a red dot that designates the approximate impact of the bottom probe. Using the red

or green laser dot may, in some circumstances, be an effective deterrent that may preclude the need to use higher levels of force and achieve voluntary compliance.

- D. Warning Arc on the Taser 7. The Taser 7 has the ability to arc electricity across the front of the device without deploying probes. This provides a visual and audible deterrent that may preclude the need to use higher levels of force and achieve voluntary compliance.

III. TRAINING

- A. Officers must complete a Department-approved training course(s) prior to the issuance and use of a Department-approved CEW.
- B. Officers should complete proficiency training every year. The Department Training Manager may evaluate an officer's knowledge, technical skills, or tactical proficiency at any time.
- C. Training protocols should emphasize that multiple activations and continuous cycling of a CEW can increase the risk of death or serious injury and should be avoided where practical. Department training shall address the limitations of a CEW activation, the need to prepare to transition to other force options as a situation evolves and the dangers associated with use involving physiologically or metabolically compromised persons who may be susceptible to arrest related death.

IV. OPERATION, MAINTENANCE AND STORAGE

- A. Officers are responsible for the safe storage of their CEW in a place not accessible to unauthorized persons. When off-duty, officers shall keep their CEW out of view and locked in the trunk of their police vehicle or other appropriate secured area.
- B. When carrying the X26P or X26E, officers shall have a cartridge loaded on the CEW and carry at least one additional cartridge on their person. When carrying the Taser 7, officers shall have two cartridges loaded on the CEW.
- C. Officers shall spark test their CEW for five seconds at least once every week and ensure it has at least 20 percent battery life. X26Ps and X26Es with less than 20 percent battery life should obtain a new battery prior to their next shift. Taser 7 users must place the battery on the docking station every 30 days or when the battery is less than 20%.
- D. Officers shall secure their CEW in the provided holster until needed. A CEW holster shall not be mounted on the same side of a duty belt as an officer's firearm unless it is a cross-draw holster and approved by the Training Manager.
- E. Officers shall not conduct "voluntary exposures," except during specifically authorized training or demonstrations.

- F. Supervisors are responsible for the data download of each X26P and X26E at shift change. The Taser 7 is automatically downloaded when battery is placed on the docking station every 30 days.

V. AUTHORIZED USE - POLICY

- A. Each activation of a CEW must be objectively reasonable and will be evaluated based on the specific circumstances of its use. The trigger shall not be held in the activation mode under dart or drive-stun deployment for continuous energy discharge unless the force is objectively reasonable based on the facts and circumstances.
- B. A verbal warning should be provided prior to using the CEW when feasible. A verbal warning may not be feasible when the warning could endanger the safety of officers, or it is not practicable due to the circumstances.
- C. Each subsequent CEW activation necessitates independent judgment as to the reasonableness for additional activations. If the first application of the CEW appears to be ineffective, before considering additional applications, the officer should consider certain factors, including:
 - 1. Whether probes made proper contact;
 - 2. Whether the suspect has the ability and has had a reasonable opportunity to comply with an officer's instructions; and,
 - 3. Whether verbal commands or other tactics may be more effective.
- D. Officers should avoid repeated, prolonged, and/or continuous activations when it reasonably appears the CEW is not effective in assisting with gaining physical control of a suspect.
- E. Deploying the second set of probes on the Taser 7 could further expand the neuromuscular incapacitation. Officers should evaluate the effectiveness of the first set of probes prior to deploying the second set of probes. Immediately firing the second set of probes without evaluating for effectiveness may be reasonable if the officer reasonably believes that the need to control the individual outweighs the potentially increased risk of multiple probe deployments.
- F. The CEW should generally not be used on passive resisters or individuals solely fleeing from minor non-violent offenses.
- G. Laser pointing – officers may use a CEW laser dot to visually warn the suspect of a potential dart deployment and to attempt to gain the suspect's compliance. The laser light shall not be intentionally aimed into the eyes of another.

- H. Warning Arc - Officers may use the Warning Arc feature on the Taser 7 to visually and audibly warn a suspect of a potential dart deployment in an attempt to gain the suspect's compliance. A Warning Arc on the X26P or X26E should only be used when removing the probes from the device will not place the officer in danger.
- I. The CEW may be used on an animal that appears to present a danger to the officer or others.

VI. TACTICAL CONSIDERATIONS AND LIMITATIONS

- A. An officer should not hold a CEW and firearm at the same time.
- B. When feasible, the officer will allow a reasonable opportunity for a suspect to comply with officer directions/commands prior to each CEW activation. When feasible, an officer shall notify other officers prior to the activation.
- C. Activation of an X26P or X26E should be with one pull of the trigger allowing the integrated five second pulse of conducted energy to take effect. After initial CEW activation, officers shall assess the ability to gain control of the suspect while also evaluating health and safety conditions of the suspect.
- D. Activation of the Taser 7 should be done with one pull of the trigger allowing the integrated five second pulse of conducted energy to take effect. Officers should evaluate the first set of probes for effectiveness. If not effective, the second set of probes should be deployed with an additional trigger pull. In situations when additional cycles would be reasonable, officers should use the ARC button to initiate additional cycles. The trigger should only be used when a second set of probes would be reasonable.
- E. A CEW may have limited or no effect due to thick clothing, malfunctions, or ineffective targeting or the physical condition of the suspect. Officers must be prepared to transition to other force options.
- F. Multiple activations from a CEW may be necessary to gain or maintain control of a combative/resisting individual. Total exposure of a CEW should be limited to 15 seconds or less. Exposures greater than 15 total seconds require an increased justification.
- G. Officers should move in and prepare to control the suspect while the suspect experiences the effects of the CEW.

VII. SAFETY CONSIDERATIONS

- A. A CEW shall not be intentionally directed to a person's head, neck, and genitalia. The manufacturer recommends frontal targeting of lower center mass and when targeting a subject from the rear aim below the neck.

- B. Officers should not activate more than one CEW on a person at a time without an increased justification.
- C. Officers must consider the possibility of collateral injuries when evaluating the use of the CEW: surface type (concrete, grass), laws of motion and gravity (secondary impacts), pre-existing vulnerabilities (i.e., heart or other medical condition), drowning, and other effects associated with neuromuscular incapacitation.
- D. A CEW shall generally not be activated in the following circumstances:
 - 1. In potentially flammable or explosive environments;
 - 2. On persons operating a moving vehicle;
 - 3. On persons who could fall from a height likely to produce serious injury;
 - 4. On youth known or reasonably appearing to be age 13 or under;
 - 5. On persons who are physically frail due to advanced age or a known medical condition; or
 - 6. On individuals known or reasonably suspected to be pregnant.
- E. When practical, early intervention of emergency medical assistance (i.e., staging paramedics nearby until conditions are safe to respond) should be considered when an officer believes force may be necessary to control a person who exhibits extreme mental and/or physiological excitement (i.e., unusual hostility, agitation, euphoria, delirium, confusion, incoherency, paranoia, exceptional physical strength and endurance, insensitivity to pain and hyperthermia, or removing of clothes). Any of the above behavioral signs may indicate a person may be under the influence of a stimulant and/or a hallucinogenic drug. Persons exhibiting the above described behaviors may be at a higher risk to a potential medical emergency of over exertion associated with insufficient respiration to maintain necessary blood chemistry prompting evaluation by emergency medical personnel.

VIII. POST ACTIVATION PROCEDURE / MEDICAL ATTENTION

- A. Immediately following activation of a CEW on a person, and as soon as conditions are safe, officers shall evaluate the health and safety of the person consistent with first responder training and provide appropriate level of first aid care as needed. Following a CEW activation, and once the subject has been properly secured, officers should place the subject in a position that does not impair respiration. All persons who have received a CEW activation should be monitored until medically cleared.

- B. Appropriately trained officers may remove the CEW darts if they are embedded in non-vital areas (muscles). Darts embedded in vital areas (neck, face, head, groin, female breast) should be removed by medical personnel. When needed, officers shall sever the wires and leave the barbs intact for transport to a hospital.
- C. CEW activations resulting in the barbs penetrating or becoming embedded in skin are a “sharp” biological hazard and shall be handled in accordance with procedures to minimize exposure to blood borne pathogens.
- D. All persons subjected to a CEW charge will be transported, as soon as possible, to the hospital for medical clearance.
- E. Those subjects showing signs of extreme mental and/or physiological excitement will be evaluated and transported to the hospital by paramedics with at least one officer in attendance during transport.
- F. A prisoner release form authorizing continued custody proceedings must be obtained prior to departure from the hospital.
- G. After dart deployment, the officer should notify the Training Manager or designee to obtain replacement cartridges.

IX. NOTIFICATION, EVIDENCE AND DOCUMENTATION

- A. Any usage of a CEW on an individual requires supervisor notification and will be documented in the appropriate report. Photographs should be taken of the individual regardless of injuries. Refer to reporting requirements found in Department Instruction 1.24, Section VII SUPERVISOR NOTIFICATION and Section VIII USE OF FORCE REPORTING.
- B. Officers should consider any audio, video or CEW download records prior to completing their report or providing statements regarding a CEW deployment. Cartridges, identification AFIDs, all probes and wires shall be included in evidence collection on activation use incidents. If it is not possible to collect all of the listed evidence, the reason must be documented in the report. The CEW may be collected for evidence on a case by case basis dependent on the relevance the device may have to either criminal or civil case application. In addition to the routine reporting requirements, officers shall address the following topics in a report involving a CEW.
 - 1. Make, model and serial number of the CEW and any used cartridges;
 - 2. Exposure type: Dart/Drive-stun, duration and number of activations;
 - 3. Location where probes struck the individual and/or location of drive-stun contact. Measured distance between the probe contact points; and,

4. Any collateral injuries that occurred after use of a CEW.
- C. All reports which document a use of force against a person shall be flagged in RMS with a “Use of Force” special studies code.

X. SUPERVISOR RESPONSIBILITIES

Supervisors will ensure that the CEW data log is downloaded immediately after each non-training/testing related activation, and that the evidence has been provided to the reporting officer and attached to the police report. An appropriately trained supervisor or a Taser instructor will download the data. If a CEW activation is associated with death or serious injury, the CEW should be downloaded immediately and taken out of service. The officer will be issued a replacement CEW prior to going back to duty.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 09-05-24	NO: 1.30 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: LONG RANGE ACOUSTICAL DEVICE (LRAD)	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.30 Administration, dated February 16, 2022.

I. PURPOSE

To establish policy and procedures for the use of the Long Range Acoustical Device (LRAD.)

II. GENERAL

The Escondido Police Department utilizes an LRAD-100X Long Range Acoustical Device manufactured by Genasys, Inc. The LRAD-100X is a self-contained, battery powered hailing device that is capable of communication with high intelligibility to nearly 2000 feet. The LRAD-100X may emit sound pressure levels up to 140dB and is able to broadcast live speech as well as prerecorded messages.

III. POLICY

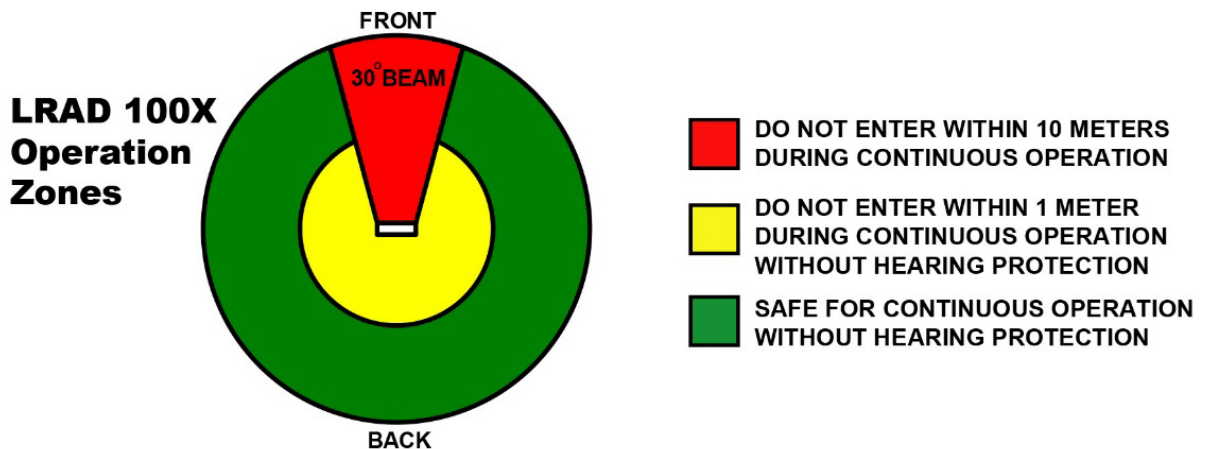
- A. Use of the LRAD is restricted solely for the purpose of communicating information or instructions to an individual or group. Communications may be transmitted either in a live broadcast or through a prerecorded message.
- B. The LRAD may only be deployed under the following circumstances:
 - 1. Hostage or barricaded subject incident.
 - 2. Communication of information to large crowd.
 - 3. Evacuation information during natural disasters or other incidents.
 - 4. Missing persons, perimeter searches and/or K9 deployments.
 - 5. Service of search warrants or arrest warrants.
- D. Users will operate the LRAD at the lowest volume consistent with the tactical situation, the physical environment and the proximity of people to the LRAD.
- E. The use of any alert and/or warning tone on the LRAD is prohibited during crowd control and management operations unless an immediately life threatening situation exists. Use of the alert/warning tone is otherwise permissible during other deployments within the safety parameters listed in section IV below.

F. Only sergeants and above may authorize the use of the LRAD.

IV. SAFETY

A. Operate the LRAD-100X with Extreme Care.

1. Qualified LRAD-100X operators must ensure the device is positioned, aimed, and operated in a manner that avoids exposing nearby personnel and bystanders to excessive sound pressure levels. Follow these guidelines in conjunction with sound judgment:
2. Never operate the LRAD-100X at maximum volume when personnel are within 10 meters of the front of the device, or when the reflected distance between personnel and an acoustically reflective object (i.e., a building, a wall, or a bulkhead) is less than 10 meters.
3. Never point LRAD-100X directly at personnel in the immediate vicinity of its operating position.
4. As with any high-energy acoustic device, proper usage of earplugs will minimize risk of hearing loss to the operator and personnel in the immediate vicinity. Hearing protection is required when operating the device at maximum volume from less than one meter away.



5. The LRAD-100X should have an unobstructed transmission path to its target. Even small mast antennas may reflect some sound energy, thereby decreasing the LRAD-100X's effectiveness and increasing the reflected noise levels that will be felt by the operator and others nearby.
6. Avoid placing the LRAD-100X in a position where it will transmit sound over areas where personnel may be located.

7. Avoid Prolonged Exposure to Excessive Sound Levels.
8. The LRAD-100X can produce acoustic sound pressure levels that OSHA considers hazardous.
9. The LRAD-100X has very directional sound projection. Operators standing behind the unit hear only a small fraction of the sound energy being transmitted. This can lead the operator to falsely think that the LRAD-100X is not producing the required output.
10. OPERATORS SHOULD NOT ATTEMPT TO LISTEN TO THE OUTPUT FROM THE FRONT OF THE DEVICE! HEARING DAMAGE MAY RESULT FROM SUCH ACTION.

V. TRAINING

- A. The LRAD shall only be used by personnel who have been trained in its use and in a manner consistent with this department instruction and in accordance with the LRAD-100X equipment manual.
- B. All personnel at the rank of sergeant and above shall receive training in the use of the LRAD. Officers operating the LRAD must be trained prior to use.
- C. Training of the LRAD shall be documented. The Training Manager will be responsible for maintaining LRAD training records.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-23-20	NO: 1.31 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: RIDE-ALONG PROGRAM	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.31, dated July 21, 2016.

I. PURPOSE

To establish guidelines for the administration of the Ride-Along Program.

II. POLICY

- A. It is the policy of the Escondido Police Department to encourage citizen ride-alongs as part of our police-to-community outreach program. The Ride-Along Program serves a variety of purposes: 1) It enables citizens to get a firsthand look at policing and to understand better the role of the police; 2) it enhances mutual understanding and cooperation; and 3) it leads to an improved police-community relationship.
- B. The safety of the ride-along is of the utmost importance. It is the responsibility of every officer to ensure that all ride-alongs (including not only citizen ride-alongs, but also non-sworn Department employees, Explorers, etc.) are kept out of potentially dangerous situations. If a particular call or circumstance may expose a ride-along to a clearly foreseeable risk, even if left in the patrol car, the assigned officer should drop off the ride-along at a safe public location or request that the call be reassigned to another officer.
- C. The following guidelines have been adopted to make the Ride-Along Program as productive and as safe as possible.

III. INITIATION OF THE RIDE-ALONG

- A. Ride-alongs may be officer or citizen-initiated. Watch Commanders may initiate ride-alongs when it is felt that this contact will benefit the Department and/or the community.
- B. Citizens' requests for a ride-long shall be directed to the receptionist at the front desk (839-4766). Citizens requesting a ride-along date on the telephone will be directed by the receptionist to respond to the front desk during normal working hours to complete the ride-along application and waiver form.
 1. The receptionist shall provide the applicant with the Escondido Police Department ride-along application, waiver form, and the ride-along requirements form. The receptionist shall collect the completed application and signed waiver form from the applicant. The receptionist will then verify the applicant's identity by requesting a photo identification card. The receptionist will photocopy the identification card and attach the photocopy to the application.

2. The receptionist will advise the applicant that he/she will be notified by phone with a date/time to ride along, if he/she meets the criteria outlined in our Department Instruction.
 3. The receptionist shall inform the citizen to report to the station and contact the on-duty Watch Commander at least 30 minutes before the scheduled period for the ride-along.
- C. The Records Department will conduct a background investigation of the applicant.
1. An applicant who meets all of the ride-along requirements will be assigned a ride-along date by the receptionist. The receptionist will call the applicant with the ride-along date/time information.
 2. The receptionist will provide the on-duty Watch Commander with the application of all applicants who do not meet the ride-along requirements, as well as the requirement(s) the applicant failed to meet. The on-duty Watch Commander will approve or deny the ride-along request and direct the receptionist to call the applicant with the appropriate response.
- D. The receptionist will maintain an electronic log of all ride-along requests.
- E. Individuals requesting ride-alongs from officers will be directed to call the receptionist unless the person is going to ride with the officer contacted. In that event, the initiating officer will complete the ride-along form and submit it to the Watch Commander who will then return the form to the Records Division to enter the information on the electronic log. If the ride-along initiated by the officer requires a background, the officer will complete the ride-along form and submit it to the Records Division 72 hours prior to the scheduled ride-along.

IV. REQUIREMENTS

- A. Requests will be scheduled in four-hour blocks, seven-days-a-week, and will begin at designated shift start times with the following exceptions:
1. Crisis Team members riding at a time they have duty or scheduled for training;
 2. Special request from management, the Watch Commander or an officer;
 3. Officers considering a lateral transfer to this Department;
 4. Spouses and significant others of police officers;
 5. Community Awareness Academy members assigned to ride along by the Academy coordinator;
 6. Judges, attorneys, police officers or employees of other law enforcement agencies, reporters and employees of social service agencies;

7. Persons who are attending a P.O.S.T.-approved police academy, provided the ride-along activity does not violate academy regulations.
- B. Applicants must be 16 years or older.
- C. Applicants are limited to one, four-hour ride-along in any 12-month period. The appropriate Watch Commander must authorize requests for additional participation.
- D. An officer's spouse or significant other may ride for one shift in any 12-month period and may not ride with an officer spouse or significant other. Watch Commanders should place the spouse or significant other with a field training officer whenever possible.
- E. Only one person can ride at a time with any one officer.
- F. Applicants must not have physical or mental disabilities that could be aggravated, would hinder the applicant's ability to comprehend or follow instructions, or in an emergency would prevent the applicant from exiting the patrol vehicle and waiting in a public place, on their own or at the officer's command, during the ride-along.
- G. Applicants must read and sign the waiver form prior to beginning a ride-along.
- H. No person shall be permitted to participate in the program if he/she arrives with the odor of alcohol on his/her breath, appears intoxicated or has taken medication that might impair judgment or ability to follow instructions.
- I. Participants shall dress appropriately. Casual attire is reasonable attire for riding and would consist of slacks or nice jeans and a collared T-shirt or sport shirt. Faded jeans, cut-off pants, thong sandals and shirts with off-color prints will not be permitted.
- J. Only city of Escondido residents and job applicants may apply for the Ride-Along Program.

V. PROCEDURES

- A. All participants must complete the application form (including an emergency contact person and phone number), read and sign the waiver form and have safety instructions given to them prior to entering the police vehicle. Juveniles must have their parent or legal guardian sign the waiver form. It is essential that all officers adhere to this rule every time they have a ride-along partner. This applies to visiting police officers or any other official.
- B. Officers with ride-alongs (including all categories of ride-alongs, as defined in the preceding section II.B.) will advise the Watch Commander/field supervisor prior to entering the field. The officer will enter the ride-along's name and telephone number into his/her CAD unit history and provide the same information to Communications. Ride-alongs will be provided with the appropriate name sticker, which will aid in identification to other personnel at a scene. Law enforcement officers will be issued a white sticker, while civilians will be issued a red sticker.

- C. At the beginning of each ride-along, the officer will sign in the space for participating officer on the back of the application/waiver form. The officer will then return the completed application/waiver form through his sergeant to the Watch Commander, who will then forward the completed application/waiver form to the Records Division. The application/waiver form and the electronic log will be maintained by the Records Division for two years.

VI. SPECIAL CONCERNS INVOLVING RIDE-ALONGS

- A. In the event of injury or any other emergency involving a ride-along, existing Departmental policy shall prevail; i.e., he or she shall be handled as any citizen, except that the officer shall:
 - 1. Notify the Watch Commander and the Communications Division immediately (by telephone, if possible).
 - 2. The Watch Commander shall notify the Chief of Police in writing as to the nature of the injury and all the facts contributing to the occurrence.
- B. The ride-along shall not be permitted to:
 - 1. Attend the squad conference unless cleared in advance by the officer's supervisor.
 - 2. Be present during post-Miranda interviews with criminal suspects.
 - 3. Be present during interviews, which may involve sensitive, confidential, or potentially embarrassing information.
 - 4. Be immediately present at the scene of such calls as rape, child molest, or any other situation that may cause embarrassment for the victim, the ride-along, or both.
 - 5. Ride in a Police Department vehicle without wearing the seat belt.
 - 6. Enter the station locker rooms.
 - 7. Have access to confidential material, such as criminal records.
 - 8. Drive police equipment.
 - 9. Be armed with any type of weapon (knives, guns, mace, etc.). Off-duty police officers are exempt; however, they must notify the Watch Commander they are armed prior to riding and carry their department identification and badge.
- C. Due to the court opinions in *People v. Loomis*, CR 65544, on March 29, 1984, the participant's name may be used in official reports as required. These reports may cause the participant to be subpoenaed in court as a witness.

- D. The officer assigned may terminate the ride-along if the participant displays any unacceptable behavior or behavior that would discredit the Escondido Police Department.
- E. Ride-alongs will begin and terminate at the Police Department. Ride-alongs will not be picked up by or taken home by police officers during the course of the officer's shift without the Watch Commander's approval.



ESCONDIDO POLICE DEPARTMENT

Ride-Along Requirements

1. Participants must be 16 years or older.
2. Applicants are limited to one, four-hour ride-along in any 12-month period.
3. Ride-alongs cannot ride together.
4. Applicants must not have physical or mental disabilities that could be aggravated, would hinder the applicant's ability to comprehend or follow instructions, or in an emergency would prevent the applicant from exiting the patrol vehicle and waiting in a public place, on their own or at the officer's command, during the ride-along.
5. Participants must read and sign the waiver form prior to beginning a ride-along. Participants under the age of 18 years must have a parent or legal guardian sign the waiver form in person at the Police Department prior to the ride-along.
6. No person shall be permitted to participate in the program if he/she arrives with the odor of alcohol on his/her breath, appears intoxicated, or has taken medication that might impair judgment or ability to follow directions.
7. Participants shall dress appropriately. Casual attire is reasonable attire for riding and could consist of slacks or nice jeans and a collared T-shirt or sport shirt. Faded jeans, cut-offs, thongs and shirts with off-color prints will not be permitted.
8. Participants shall not be armed with any type of weapon (knives, guns, mace, etc.). Off-duty police officers are exempt; however, prior to riding, they must notify the watch commander that they are armed, and they must carry their department identification and badge.
9. Due to the court opinions in *People v. Loomis*, CR 65544 on March 28, 1984, your name may be included in official reports as required. These reports may cause you to be subpoenaed in court as a witness.
10. Participants are required to wear a seatbelt at all times while riding in the police vehicle.
11. The officer assigned may terminate the ride-along if the participant displays any unacceptable behavior or behavior that would discredit the Escondido Police Department.
12. Ride-alongs will begin and terminate at the Police Department. Ride-alongs will not be picked up or taken home by police officers during the course of the officer's shift without the watch commander's approval.
13. A Ride-Along applicant may have his/her ride canceled if deemed necessary by the watch commander due to unusual occurrences.
14. Police Ride-Alongs are limited to Escondido residents, people who work in Escondido, and Police Department applicants only.

The final decision on a participant being allowed to ride will rest with the on-duty watch commander.



ESCONDIDO POLICE DEPARTMENT WAIVER OF CLAIMS FOR DAMAGES OR LOSSES

In consideration of the permission granted by the City of Escondido, California, on this day for me to accompany an officer or officers of the Escondido Police Department on routine patrol, I _____ do hereby waive all claims for damage or loss to my person or property that may be caused by any act or failure to act of the City of Escondido, California, its officers, agents or employees. I assume the risk of all dangerous conditions or occurrences that may be encountered during said patrol, and waive any and all specific notice of the existence of such conditions or occurrences.

I have read and understand the above waiver, as well as the Escondido Police Department Ride-Along Requirement form, and agree to the same.

(Minor children, under the age of 16 years, will not be permitted to ride along. The release form must be signed by the parent or guardian of any rider under the age of 18 years in the presence of a Police Department employee.)

APPLICANT'S SIGNATURE

DATE

PARENT OR GUARDIAN SIGNATURE (IF UNDER 18)

RELATIONSHIP

ADDRESS

(____) (____) _____
PHONE NUMBER(S)

Witnessed by:

AN AGENT OF THE ESCONDIDO POLICE DEPARTMENT

DATE

NAME OF PARTICIPATING OFFICER

DATE

☐ Ride-Along was assigned by the Training Division and is currently in the hiring process.

NAME OF TRAINING DIVISION REPRESENTATIVE

DATE

FOR OFFICIAL USE ONLY – DO NOT WRITE BELOW THIS LINE

☐ Local ☐ NCIC ☐ ARJIS

Checked By _____ Date _____

☐ State RAP ☐ FBI RAP

Checked By: _____ Date: _____

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ESCONDIDO POLICE DEPARTMENT RIDE-ALONG PROGRAM LOG

DATE	DAY OF WEEK	SHIFT	NAME	CITY OF RESIDENCE	OFFICER ASSIGNED

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 08-14-24	NO: ADMINISTRATION 1.32
TO: ALL PERSONNEL	SUBJECT: EMPLOYEE PERFORMANCE EVALUATION	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This instruction supersedes Department Instruction 1.32, dated November 17, 2020.

I. PURPOSE

To establish guidelines in order to provide a fair and accurate means of evaluating an employee's performance, qualities, habits, and achievements. The purpose of the performance evaluation is to improve employee performance by recognizing strengths and weaknesses, and developing constructive plans based on those performance appraisals.

II. SUPERVISORS' RESPONSIBILITIES

All supervisors are responsible for the prompt preparation of evaluations required by this procedure. Supervisors are responsible for rating the employee in the areas of career attributes and supervisory ability, if applicable. They will point out strong and weak work performance, provide guidance with goal setting, goal achievement, and make general comments on the employee's progress.

The Employee Performance Appraisal form is designed to facilitate a comprehensive rating in basic job tasks. It provides for a narrative descriptive summary to support judgment, give examples, articulate conclusions, make recommendations, and express direction of planned training and career goals.

The Performance Appraisal is divided into the following categories:

- A. Career Attributes;
- B. Supervisory Ability (Applicable to supervisors and FTOs);
- C. Overall Performance Rating;
- D. Employee Strong Points;
- E. Areas for Improvement/Development;
- F. Goals and Objectives;
- G. Action Plan for Improvement and Goal Achievement;
- H. General Evaluation Comments.

Each category contains specific job functions for evaluation and will be individually rated. The individual functions do not carry identical weight. A rating of Below Standard in a critical task category, such as Performance in Emergencies, may be sufficient cause to affect an employee's overall rating. The overall evaluation rating should not be predicated on an average of the individual values.

The narrative portion of the evaluation is comprised of five sections. This allows for emphasis to support the ratings, as well as provide employee development and goal setting. Ratings of Below Standard require documentation within the evaluation detailing what actions should be taken to improve the rating. An Individual Development Plan is required in all instances where an employee receives an overall rating of Below Standard. Additionally, an Individual Development Plan should be considered when an employee receives two or more career attribute ratings of Below Standard. In determining if an Individual Development Plan is appropriate, the rater shall consult with his/her immediate supervisor to review factors that led to the Below Standard rating. Review the City “Employee Performance Evaluation & Individual Development Plan” manual for additional information (manual located on City Intranet).

Supervisors shall not use years of experience, or a lack of experience, as the automatic basis for how an employee is rated. For example, a ten-year employee is not automatically rated Exceeds Standards simply because of his/her seniority. Likewise, a one-year employee should not automatically receive a Meets Standard evaluation due to a lack of experience. An employee’s performance should be rated based on a comparative level of experience and training. For example, a one-year police officer can obtain an Exceeds Standards evaluation because his/her performance far exceeds what would be expected of an employee with minimal experience.

III. WHEN EVALUATION REPORTS PREPARED

The supervisors must prepare the evaluation reports and submit them through the proper chain of command to the Chief’s office before the due date.

- A. Regular (non-probationary) employees are evaluated annually. Employee evaluations are due by July 31st of each year.
- B. Probationary employees are evaluated at the end of their probationary period.
- C. Regular employees who transfer to specialized assignments (Traffic Division, Investigations Bureau, etc.) and those promoted shall receive an evaluation every three months for one year following their change in assignment.
- D. When an employee’s supervisor changes (i.e., transfer of assignment, shift change rotation, etc.) within 60 days of the employee’s performance evaluation due date, the previous supervisor will be responsible for completing the evaluation.

IV. PROBATIONARY EMPLOYEE EVALUATIONS

All probationary employees require an evaluation at the end of their probationary period. Ratings for all career attributes must be completed.

V. REVIEW

Supervisors shall forward the evaluation to their immediate supervisor (reviewing manager) for review prior to the evaluation being presented to the employee. The reviewing manager will ensure that the evaluation is accurate, fair, consistent, and correct in following procedures. If the reviewing manager notes discrepancies or is in disagreement with the evaluation, a discussion shall occur with the rater to resolve the differences, or the reviewing manager may attach written comments as desired. The reviewing manager, Bureau Captain, or Chief of Police should discuss the evaluations with the employee, if so requested.

VI. EMPLOYEES' RESPONSIBILITIES

Employees shall complete a self-appraisal form prior to receiving the evaluation. The employees shall identify at least one goal for the future rating period and the steps they plan to take to achieve their goal(s).

Employees should discuss their appraisal with their supervisors. The employee may make comments to add to or expand on the comments of the rater. If the employee is in disagreement with the ratings, a written statement or rebuttal may be attached with facts supporting his/her position. Additionally, employees can choose to meet with their respective Bureau Captain or Chief of Police to further appeal comments and/or ratings within their appraisal.

VII. SUPERVISORY APPROVAL

The reviewing manager will sign the report prior to it being presented to the employee. The supervisor who completed the evaluation will submit the signed evaluation form, and all completed attachments to the Bureau Captain for final review and processing.

VIII. SPECIAL APPRAISAL REPORTS

Supervisors may make special performance evaluation reports in addition to the regular performance evaluations. These reports may be used to show improvement over a previous poor evaluation or to show areas where an employee has fallen below standards. Special performance appraisals can be written at any time during the evaluation period. Special performance appraisals should also be used at the conclusion of an Individual Development Plan.

IX. DEFINITIONS

Exceeds Standard – Represents work that is consistently far above and superior to performance standard of employees with similar training and years of experience. An Exceeds Standard rating can be given to employees who are consistently demonstrating superior performance. While specific examples of superior performance will vary from one employee to the next, and will vary by assignment, the rater should consider such performance to be demonstrated by employees who routinely far exceed the requirements

of their job. Their work is extraordinary and worthy of special note. Exceeds Standard ratings require considerable factual documentation.

Meets Standard - Is the performance expected of a fully competent employee. It means thoroughly satisfactory work, meeting the standards required for the position. This is the performance expected of a trained, qualified, fully competent employee. The work is consistently up to, or occasionally above, the standards required for the position. This does not necessarily mean the employee's performance in all factors is "Meets Standard", for there may be factor ratings of "Exceeds Standard" indicating some aspects of the job that are above standard, or "Below Standard" indicating some aspects of the job are below the acceptable standard.

Below Standard - Indicates an inconsistent level of job performance which may be minimally satisfactory, sometimes inadequate or below the standard expected of employees. This does not mean that all performance factors need improvement. Factual evidence should be presented in the comments section to substantiate this rating, along with a plan to improve performance. An Individual Development Plan (IDP) should be considered for any employee with a rating of Below Standard on any career attribute. Two or more Below Standard ratings, or an overall rating of Below Standard requires an Individual Development Plan.

X. GUIDELINES

Employee ratings are intended to provide job-related performance evaluations based on objective, measurable, and observable standards of performance. Guidelines for performance expectations and the values for each area rated are described below. The descriptions written for each value (Meets Standard, Exceeds Standard) provide the employee and rater with expectations of standards that bring objective meaning and mutual understanding on how values are attached to specific functions or performances rated. Guidelines for performance values and how they are applied are not intended to be all encompassing, nor can they be completely objective. They can, however, provide both employee and evaluator with a point of reference that lends to the development of an evaluation that accurately reflects performance. The career attributes definitions below include guidelines for determining when an employee should be rated as "Meets Standard" and when they should be rated as "Exceeds Standard." The definition of "Meets Standard" is the minimum expectation for each employee. Any employee whose performance does not reach the level of "Meets Standard" should be rated as "Below Standard."

A. Career Attributes

1. Job Knowledge

Exceeds Standard – Consistently displays exceptional working knowledge of Department rules, policies, procedures, and other materials specific to their job. Ability to properly apply this knowledge in unusual situations. Utilizes all information sources available on a regular basis and shares information with others. Is sought out by peers for assistance. Proven recognition of the value of

continuing education and training to further enhance job knowledge. Evidence of such could include; attending training courses relevant to the employee's job, furthering his/her level of formal education, etc. The Exceeds Standard employee is one who never stops learning and on more than one occasion has shared knowledge through group training, briefing discussions, and other similar peer teaching opportunities.

Meets Standard – Demonstrates a thorough understanding of Department rules, policies, procedures, and other materials specific to his/her job. Improves knowledge by constantly reviewing relevant job-related areas of study. Applies their knowledge through demonstrating sound decision-making and sharing information with others.

2. Self-Motivation/Initiative

Exceeds Standard – Consistently seeks the most difficult job assignments. Is eager to deal with those unusual or time-consuming projects or problems. Energetically pursues into elaborate and complex matters. Displays a strong work ethic and a desire to take an active role in the Department's mission. Brings new ideas. Seeks methods to prevent problems.

Meets Standard - Accepts the challenge of difficult or complex assignments. Needs little or no motivation to become interested in dealing with projects or problems. Finds appropriate ways to solve problems.

3. Common Sense/Judgment

Exceeds Standard – Is rarely questioned about how a situation is handled. Consistently selects the proper avenue when dealing with a crisis. Knows the right time to request supervisory intervention in an incident. Consistently handles significant matters in a professional manner. Decisions made are foundationally solid, and consistent with Department policy.

Meets Standard – Usually handles all situations in an appropriate manner. Consistently perceives situations as they really are. Strives to attain additional information for future references. Does not make the same mistake twice; learns from all past experiences. Knows when a supervisor should be called. Is aware of all available resources and makes appropriate application.

4. Customer Service

Exceeds Standard – Consistently able to effectively deal with a difficult and/or irate customer. Consistently demonstrates a caring attitude and a willingness to serve the community. Strong verbal communication ability. Does not generate customer complaints. Consistently provides beyond the minimal standard of service. Routinely goes above and beyond in finding solutions to

help solve problems. Is sensitive to the diverse ethnic composition of the community.

Meets Standard - Maintains positive customer relations. Integrates the goals and priorities of the Department into his/her approach to satisfying the customer. Remains professional and pleasant when assisting with a difficult customer. Recognizes the diverse ethnic composition of the community and seeks ways to build relationships with those served by the Police Department. Assumes responsibility for problem solving. Recognizes those situations where he/she can properly take additional action outside his/her normal duties to resolve unusual situations. Displays a pleasant and caring attitude.

5. Job Attitude/Morale

Exceeds Standard – Extraordinary positive attitude. Friendly and personable. Demonstrates a passion for their profession. Exceptional job attitude is demonstrated through their consistently positive interactions within the community. Viewed as a role model within the community.

Meets Standard - Excellent attitude. Demonstrates a desire to help the community through their work. Remains positive, even during trying times.

6. Performance In Emergencies

Exceeds Standard – Consistently quick to act during emergency situations. Has demonstrated on more than one occasion that they are not overwhelmed by difficult challenges. Will immediately take the lead when needed. Versatile and quickly adapts to sudden change. Takes on the role of Incident Commander until relieved by a supervisor.

Meets Standard - Quickly adjusts to unfamiliar situations. Responds effectively and confidently in an emergency. Is able to identify and request needed resources to overcome challenging situations.

7. Relations with Fellow Employees and Supervisors

Exceeds Standard – On more than one occasion has volunteered and actively participates in team projects with either co-workers or other City employees without regard to who receives credit for the work. Promotes and supports ideas of others as enthusiastically as their own. Strives to involve all members of the group in team problem-solving efforts. Does not speak negatively of peers or supervisors. Is regularly sought out by peers in need of advice or assistance. Consistently demonstrates that he/she is a selfless team player. Consistently gains the confidence and support of colleagues.

Meets Standard – Respected by peers. Sought out for advice. Positive personality and supportive of the team and supervisors. Contributes ideas and

work product to allow effective group problem-solving. May assist other members with their tasks. Volunteers for assignments within the team. Usually gains the confidence and support of colleagues.

8. Dependability

Exceeds Standard - Is always willing to take the extra time and effort to accomplish a task. Is willing to handle situations that may extend the workday. Is always on time and prepared to work. Takes extra steps to be prepared for meetings, court, etc. Willing and eager to take on collateral assignments. Consistently exceeds expectations.

Meets Standard – Is willing to help out. Demonstrates acceptable work habits. Follows directions and demonstrates an ability to organize work in an effective manner. Consistently manages time in an effective, productive manner. Makes every effort to be available for special assignments when asked.

9. Quality of Work

Exceeds Standard – Exceptional ability to recognize what is important and to act on it properly. Work product is thorough in content regardless of scope. Time management practices are excellent. Uses problem-solving techniques which are creative, effective, long-term in scope, and encourages community-based solutions. On more than one occasion, the completed work product far exceeded expectations. The Exceeds Standard employee is one who gives extra. This employee will consistently put more effort than is expected.

Meets Standard - Turns in above average work, consistent with Department expectations. Makes good use of time. Prioritizes work and takes appropriate action. Routinely identifies and analyzes recurrent problems and develops solutions which are long term. Demonstrates the ability to organize group and community-based efforts to address specific problems. Written work is complete, follows Department guidelines, and is free of typos and grammatical errors. Conducts complete investigations.

10. Leadership

Exceeds Standard - Has qualities that allow others to seek them out for professional advice. Is the type of employee who has the ability to lead. On more than one occasion has demonstrated his/her ability to quickly take charge or assist the supervisor in a crisis. Demonstrates leadership through planning, control, and organizational ability. Is not afraid to speak out. Will challenge those who attempt to operate outside of Department expectations or policy. Not afraid to say what is right, even if not popular.

Meets Standard – Shows an ability to lead. Handles situations of leadership well. Is quick to take charge in a crisis until relieved by the supervisor. Is looked up to by peers.

11. Support of Organizational Goals

Exceeds Standard – Actively supports and promotes the Department's goals and policies. Consistently sets an excellent example of devotion to duty. Knows the Department's mission statement and actively uses it as a guiding principle in their work. Demonstrates through action their understanding of current community concerns. Recognizes and supports changes in Departmental goals.

Meets Standard – Supports the Department and its policies, procedures, and operations. Frequently provides willing and dedicated service to the Department and community. Incorporates the priorities of the organization into their daily work. Knows and embodies the Department's mission statement.

12. Goal Achievement

Exceeds Standard – Shows an exceptional interest in personal career development. Employee has a comprehensive set of goals, developed an aggressive plan to achieve stated goals, and consistently achieves those goals.

Meets Standard - Goal selection and completion typify a high desire and willingness to improve and develop to full potential. Goals are generally accomplished with career growth noted. Goals result in furthering the employee's career, and set him/her on a path to further success.

B. Supervisory Ability (Applicable to FTOs and all supervisor and management positions)

1. Addresses Performance-Based Issues

Exceeds Standard – Demonstrates a desire to improve work performance of subordinates. Does not hesitate to address subordinate performance issues. Develops solid plans that are within Department and City policies to address employee performance. Is consistently professional in dealing with a difficult subordinate. Their efforts result in effective solutions to performance problems.

Meets Standard - Generally handles all performance-based issues in an appropriate manner. Strives to attain additional information for future reference. Learns from past experience and knows when to request assistance. Addresses issues early. Meets with subordinates to set expectations. Considers the many factors that may create performance problems (i.e., personal matters, etc.).

2. Fairness and Impartiality

Exceeds Standard – Attitude and demeanor conveyed toward all employees are consistently inspirational. Demonstrates a caring attitude toward all of those on his/her team. Never shows favoritism.

Meets Standard - Sets the tone for his/her personnel by example through positive attitude and demeanor. Inspires others to do a better than average job. Treats all subordinates fairly.

3. Evaluating Performance

Exceeds Standard – Provides excellent career guidance. Maintains a good balance of constructive criticism and praise. Shows how employees' work performance can be improved where needed. Evaluations are always fair, accurate, objective, and provide a positive contribution to employee development.

Meets Standard - Provides growth-oriented evaluations. Good balance between constructive criticism and positive factors. Consistently fair, accurate, and objective.

4. Effective Decision-Making

Exceeds Standard – Constantly ahead of problems and challenges that arise. Scheduling practices are sound and based on abilities and expertise where possible. Provides right amount of support and direction as the situation dictates. Personnel have utmost confidence in the supervisor's abilities. On more than one occasion has handled a complex matter to a positive conclusion.

Meets Standard - Usually ahead of problems and challenges that arise. Implements schedules consistently and fairly. Effectively recognizes the equipment and personnel needs of their respective team, and is routinely addressing those needs quickly. Provides support and direction on own initiative. Judgment is sound, and personnel express confidence in abilities.

XI. EVALUATION NARRATIVE

The evaluation narrative is divided into five sections: Employee's Strongest Points; Areas for Improvement/Development; List Goals and Objectives; Action Plan for Improvement/Development/Goal Achievement; and, General Evaluation Narrative.

A. Employee's Strongest Points:

The supervisor will list the individual strengths of the rated employee. At least one strength must be listed. Raters are encouraged to include more than one employee strength.

B. Areas for Improvement/Development:

The primary purpose of this section is to document areas where the employee can further develop in his/her job functions, and/or improve performance. Professional, yet candid, conversations identifying specific areas for improvement are essential to ensuring that work performance matches Department expectations. This portion of the evaluation requires the rater to identify at least one area where the rated employee can improve or benefit from additional development. The rated employee may be seen as one who has little to no true performance weaknesses. In such cases, the rater should focus on how to assist the employee in further strengthening his/her performance.

C. List Goals and Objectives for the Next Rating Period:

This section will largely be based upon goals that the employee has identified when completing his/her self-appraisal. The supervisor shall review the self-appraisal prior to completing the evaluation. Goals must be specific, measurable and achievable within the next rating period. One method of setting goals is the SMART approach, which stands for:

Specific- In describing goals, use words that are clear, unambiguous, and not open to different interpretations.

Measurable- Goals should be measurable so that both the supervisor and the employee know when the goal has been reached.

Action-Oriented- The first word in each goal should be a verb that describes the results that will be attained.

Realistic- Goals must be realistic and attainable.

Time-Bound- Specify a date that the goal must be reached, such as within two months or by the end of the performance review period.

Using this type of approach can help supervisors and employees create specific, objective, and measurable goals for employee development and success.

D. Action Plan for Improvement/Development/Goal Achievement:

To complete this section, the rater will review identified areas for improvement/development. The rater will also review the goals set by the employee. The rater will assist the employee with developing a plan to improve weak performance areas, further career development, and achieve goals. The rater can identify specific steps that the rated employee should take to improve, develop and achieve his/her goals. Additionally, the rater should consider including the employee in drafting his/her own action plan. Cite specific steps the employee will take to continue to develop and achieve his/her goals. When appropriate, dates of completion should be set.

E. General Evaluation Narrative:

This section is where the rater can include all other pertinent details on performance during the rating period. The rater shall include supporting statements for all ratings of Below Standard and Exceeds Standard.

Employees who are off work for extended periods during the evaluation period should also receive evaluations. The time not observed will be documented as follows: “(Employee) was on protected leave from (date) to (date). Observed/evaluated work performance was from (date) to (date).”

XII. PERFORMANCE APPRAISAL PACKET

The following documents must be completed and submitted with the signed performance appraisal:

- A. Self-appraisal
- B. City of Escondido Discrimination/Sexual Harassment review form
- C. Lautenberg Amendment (Form # ESPD 271)
- D. Personal Patrol Vehicle (PPV) contract (Form # ESPD 255)
- E. Employee Performance Addendum (Updated contact information) (Form # ESPD 272)
- F. If applicable, outside employment form
- G. Updated peer support packet

XIII. SUMMARY

The performance appraisal may be prepared as often as needed. The purpose is to improve employee performance and provide job satisfaction. It also lets the employee know his/her efforts are appreciated, and whether or not the employee is performing his/her job correctly. Standards are established for a more uniform and consistent rating system. The standard guideline is a Meets Standard rating and denotes that the employee is competent in all career attributes. The “guidelines” are not intended to be all—inclusive. They cannot cover all specific aspects of the job. They are intended to be just as the name implies: “guidelines.”

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-26-19	NO: 1.33 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: TATTOO & BODY ART POLICY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.33, dated June 4, 2015.

I. BACKGROUND

The Escondido Police Department is an organization that is easily recognizable to the public as a representative of the government by the uniform worn by its officers and other employees who represent the Department. In order to maintain a professional uniform appearance, the Department has policies and procedures regarding uniform standards. These standards are outlined in the Escondido Police Department Instructions regarding Uniform, Equipment and Appearance.

II. GENERAL

- A. The Escondido Police Department has the right to promote a disciplined, identifiable and impartial police force by maintaining its police uniform as a symbol of neutral government authority, free from expression of personal belief or bias.
- B. An officer's professional appearance helps to project the image of authority, self-assuredness, self-control, and confidence, which aids officers' ability to take charge of incidents and emergency situations. This can, in turn, help de-escalate potentially volatile situations and better manage crises. Adherence to professional grooming and appearance inspires camaraderie among employees and promotes teamwork, among other positive factors.
- C. The Escondido Police Department prohibits officers having tattoos or body art (including but not limited to brands, intentional scarring, intentional mutilation, and piercings) that violate the City's respectful workplace policy, the Department's Rules of Conduct or are otherwise associated with criminal activity or gangs; or conveys sexual, racial, religious, ethnic, or related intolerance or hate, or portrays derogatory, or offensive characterizations that are contrary to the values of the Department.
- D. The Escondido Police Department discourages, but does not prohibit innocuous tattoos or body art except as provided below.
- E. This Instruction applies to law enforcement personnel.

III. POLICY

- A. Tattoos or body art that appears innocuous, may also be considered offensive, indicate bias to members of the community or undermine government neutrality (i.e., expressions of partisan political beliefs or religion, and certain numbers, or symbols). If a tattoo or body art is deemed contrary to Department policy, the item shall be completely covered with a standard long-sleeve uniform, or acceptable civilian attire, while on duty or whenever representing the Department. The Chief of Police, or designee, shall resolve any issues related to whether any tattoo or body art undermines the core values of the Department, including bias and government neutrality, and shall be covered.
- B. Subcutaneous foreign objects, brands, intentional scarring, or intentional mutilation that are not able to be covered and completely concealed by a standard uniform or equivalent civilian attire are prohibited. Split or forked tongue; tattoo(s) inside mouth, inside lower lip and/or stretched out holes in the ear lobes are prohibited.
- C. Officers shall not have any dental ornamentation, including but not limited to jewels, studs, letters, numbers, or altered/unnatural tooth shape.
- D. No tattoos are allowed anywhere on the head, hands, and face.
- E. Any tattoos on the neck shall be covered.
- F. Authorized tattoos.
 - 1. Any employee considering a new tattoo should ensure that it complies with this policy. When selecting a tattoo, officers should be aware that the societal meaning of any form of expression can have hidden meanings or meanings that change over time and could result in a restriction under this policy. Tattoos of numbers, symbols, flags and in foreign languages may present unforeseen issues.
 - 2. A tattoo of a wedding band on the ring finger is allowed so long as it is 3/8" wide or less.
 - 3. Permanent facial makeup that is designed to mimic the look of traditional cosmetics (i.e., hair, lip liner and eyeliner) so long as it is consistent with and does not substantially modify the officer's natural appearance.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 05-08-25	NO: 1.34 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: MODIFIED DUTY POLICY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.34 Administration, dated November 17, 2020.

I. PURPOSE

The purpose of this instruction is to define the Department's policy regarding the application and administration of modified duty assignments for all employees affected by job or non-job-related illness or injury.

II. POLICY IN GENERAL

Sometimes, employees may experience an injury or illness that precludes them from performing their regular duties. This situation can lead to a financial hardship for the employee by virtue of insufficient accrued leave or a hardship for the Department because of reduced personnel. Therefore, it is the policy of this Department, in collaboration with Human Resources, to evaluate modified duty assignments on an individual basis.

III. EVALUATION CRITERIA

No modified duty assignment shall be approved or ordered unless the following conditions exist:

- A. Endorsement for assignments must be obtained from the employee's physician in cases of non-job-related injury or illness or from a physician designated by the City of Escondido in cases of job-related injury or illness.
- B. A statement from the physician must include the estimated date of recovery, or next evaluation date, and any limitations for the employee.
- C. The duration of modified duty assignments shall be determined on a case-by-case basis.
- D. The final approval lies with the Chief of Police.

IV. ADMINISTRATION OF MODIFIED DUTY ASSIGNMENTS

- A. Employees assigned to modified duty will receive line supervision from the immediate supervisor they are assigned. The employee's Bureau Captain will process applications or directives related to modified duty.

- B. Assignment to modified duty can be initiated by the employee or in the form of a directive by the Chief of Police. In cases where the employee requests modified duty, a memorandum shall be prepared and routed through the chain of command, stating the reasons for the request and accompanied with attachments as described in Section III, paragraphs A and B.
- C. Employees on modified duty will be evaluated on their job performance at appropriate times as directed by their supervisor.
- D. Employees assigned to modified duty status will review the City's Return to Work – Modified Duty Acknowledgement form. The decision to accept or decline the work assignment offered is the employee's decision. There may be legal and/or Workers' Compensation benefit ramifications involved, so a careful review of the working conditions by the employee and supervisor is recommended.

V. SPECIAL CONDITIONS REQUIRED OF EMPLOYEES ASSIGNED TO MODIFIED DUTY

- A. Sworn officers assigned to modified duty will maintain their peace officer status. This instruction allows employees to continue working while avoiding situations that could worsen their medical conditions. Therefore, employees should exercise good judgment and only engage in direct intervention when there is an immediate and clear threat to life.
- B. Employees assigned to modified duty will mainly handle non-field duties. These tasks include, but are not limited to, roles such as Front Counter, Report Room, Property Room, evidence processing, Communications, and the Watch Commander's office. Employees should remain within their assigned division, but may be reassigned based on departmental needs. Assignments will be determined based upon the employee's individual characteristics and the nature of the injury or illness involved.
- C. All deviations from designated work schedules and standard work hours require prior approval from the Bureau Captain. Requests must be submitted in writing at least 30 days in advance of the proposed effective date. Approved modifications are subject to review at each patrol shift change or annually for all other divisions.
- D. Sworn employees assigned to modified duty in the Patrol Division must wear one of the authorized uniforms listed in Department Instruction 1.2—Uniform, Equipment, and Appearance and follow all uniform and appearance guidelines while on modified duty. Duty belts or a firearm are not required while on modified duty. If due to the specific injury, an employee is unable to comply with Department Instruction 1.2, a waiver may be granted by the supervising Lieutenant or the Bureau Captain.

- E. Sworn employees on modified duty are prohibited from driving a marked police vehicle.



RETURN TO WORK – MODIFIED DUTY ACKNOWLEDGEMENT

Form to be completed by the employee's modified duty supervisor

Employee's Last Name:		Employee's First Name:					
Job Title:	Department:				Full-time ☐ Part-time ☐		
Medical Release Information							
Physician Name:				Date of Medical Release:			
Medical Restrictions (attach physician's documentation)							
Modified Duty Information							
Modified Duty Description/Duties:							
Assignment Start Date:				Assignment End Date:			
Please complete: If the temporary assignment requires the employee to work an alternate schedule							
☐ Full-Time ☐ Part-Time	☐ Mon From: _____ To: _____	☐ Tue From: _____ To: _____	☐ Wed From: _____ To: _____	☐ Thu From: _____ To: _____	☐ Fri From: _____ To: _____	☐ Sat From: _____ To: _____	☐ Sun From: _____ To: _____
Supervisor's Signature				Supervisor's Printed Name			Date:
HR Representative's Signature				HR Representative's Printed Name			Date:
Employee's Acknowledgement							
This is a temporary modification, not a permanent assignment. It was created to assist you with returning to regular work. This modification is provided with the understanding that after each future doctor visit you will provide a medical update indicating either a release to perform the essential functions of your position or information describing updated functional limitations, so that a determination can be made regarding continuation of the temporary modification. Adjustments may be made before the assignment end date if your progress warrants. The City of Escondido will do everything it reasonably can to assist you in a safe transition from injury to return to regular work. However, you must take primary responsibility for your own safety. Please notify your modified duty supervisor immediately if you encounter any problems with your work assignment and/or your medical restriction changes. By signing below, you agree to work within and understand the restrictions established by your physician. Please note: Refusal to accept the temporary work assignment may affect your Workers' Compensation benefits.							
Employee's Signature				☐ Accept ☐ Decline		Date:	

Original: Human Resources

Copy: Employee

Copy: Modified Duty Supervisor



Return To Work – Modified Duty Acknowledgement

Instructions

This form is to be completed for all employees who are offered a temporary modified duty assignment

Process:

1. Employee's modified duty supervisor will complete the Employee's Information, Medical Release Information, Modified Duty Information sections of the form and sign. The acknowledgement form must be completed for any employee who is offered a temporary modified duty assignment.
2. The employee will complete and sign the Employee's Acknowledgement section, either accepting or declining the temporary work assignment. By accepting, the employee is agreeing to work within the restrictions established by his or her physician.
3. The employee's modified duty supervisor must forward the original signed acknowledgement to Human Resources.
4. Once the original is received by Human Resources, a representative will sign the completed acknowledgement form and forward copies to the employee and the employee's modified duty supervisor.
5. The original acknowledgement will be placed in the employee's Benefits or Workers' Compensation file.
6. Medical restriction updates (updated documentation from the physician) must be attached to this form. A new acknowledgement form must be completed in the event there is a change in the employee's medical restrictions.
7. Employees are to use LDY and LDP when working modified duty.

Any changes to the duties and/or dates will require a new acknowledgement form.

Original: Human Resources

Copy: Employee

Copy: Modified Duty Supervisor

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 04-02-25	NO: 1.35 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: CONFINEMENT OF MINORS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This instruction supersedes Department Instruction 1.35 Administration, dated October 1, 2020.

I. PURPOSE

To establish guidelines for the temporary confinement of minors placed into custody and brought to the Escondido Police Department.

II. DEFINITION

- A. This Department's holding facility falls under the State definition of a "lockup."
- B. Secure confinement occurs when a minor is either (1) detained in a jail or (2) locked in a room/enclosure and/or secured to a cuffing rail or other stationary object while in custody in a law enforcement facility.

III. POLICY

- A. It is the policy of this Department that minors will not be permitted to come into or remain in contact with in-custody adult offenders. A minor brought to the Escondido Police Department may be secured in our lockup only if the minor meets the following criteria:
 - 1. The minor is 14 years of age or older; and
 - 2. The minor is taken into temporary custody on the basis of having committed a criminal law violation (Sec. 602 W&I); and
 - 3. The officer has a reasonable belief that the minor presents a "serious security risk of harm to self or others." Attempting to strike, bite, or kick another is a serious security risk.

In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:

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

- c. Minor's behavior, including the degree to which the minor appears to be cooperative or non-cooperative;
 - d. The availability of staff to provide adequate supervision or protection of the minor;
 - e. The age, type, and number of other individuals who are detained in the facility.
- B. A minor meeting this criteria may be placed in the lockup, subject to the following conditions:
- 1. The Watch Commander is notified upon arrival at the Escondido Police Department. The Watch Commander will initial the Secure Detention of Juveniles Log.
 - 2. The minor may not be detained longer than six hours.
 - 3. The temporary detention must be for the purpose of giving the officer time to investigate the case, facilitate release of the minor to parents, or arrange transfer to Juvenile Hall.
 - 4. If securely detained, the minor must be separated from adults, and the exterior door of the cell containing the juvenile must be clearly labeled, indicating that a juvenile is inside. No communication between adult prisoners and minors held in secure or non-secure custody is allowed.
 - 5. The minor must be informed of the purpose of the detention, the expected duration and the maximum six-hour detention time limit. The advising officer should initial the Secure Detention of Juveniles Log on the corresponding lines (per 207.1 WIC advisement).
 - 6. The minor must be adequately supervised. When securely confined, the minor must be under constant auditory supervision. Also, visual supervision of the minor by staff, no less than every 30 minutes, shall be documented.
 - 7. While the juvenile is being held at the Escondido Police Department, the appropriate juvenile detention log with the entry and release times documented and initialed by a field supervisor or Watch Commander, will be maintained and available for inspection.
 - 8. Upon the juvenile's release, it will be the arresting officer's responsibility to complete the secured or non-secured juvenile log.
- C. Special juvenile confinement conditions apply to secure and non-secure confinement:

1. Minors held in non-secure custody must receive constant visual supervision by staff of the law enforcement facility. Monitoring a minor using audio, video, or other electronic devices does not replace personal visual supervision. Constant in-person observation is required.
2. Discipline in the punishment sense is not permitted. No action will be taken by any employee to discipline a juvenile for any conduct.
3. A juvenile who demonstrates any behavior that would indicate despondency or hyperactivity will be considered to be a suicide risk and will be under constant visual or audio observation. If the juvenile appears to be potentially suicidal, supervisory personnel should be immediately informed of the juvenile's condition. Suicidal characteristics include, but are not limited to the juvenile displaying sudden changes in behavior or mood swings, severe withdrawal, becomes angry or sad for no apparent or obvious reason, writes, draws or talks about death or exhibits other high risk behaviors.
4. A juvenile who is not placed in secure custody may remain in handcuffs for security reasons, but the juvenile is to be made as comfortable as possible. If the juvenile is not a security problem and an officer is in constant attendance, the handcuffs may be removed. Juveniles may be restrained using Department-approved handcuffs or a WRAP Restraint Device if 14 years of age or older (in accordance with Department Instruction 1.43).
5. In the event of a custody death of a minor, the Department will conduct a medical and operational review and submit a copy of the report within 10 calendar days after the death of a detained minor to the Board of Corrections and the State Attorney General's Office, in compliance with Government Code Section 12525. The medical and operational review team shall include the facility administrator and/or the facility manager; the health administrator; the responsible physician and the other health care and supervision staff who were involved in the incident. If any minor in custody is seriously ill, injured, or dies while in custody, the Watch Commander and the parents, guardian(s), or person standing in loco parentis of the juvenile shall be notified immediately, as well as the juvenile courts.
6. The well-being of the juvenile is a major concern. The juvenile will be afforded immediate medical care and services in an emergency situation. Any minor known to have ingested or who appears to be under the influence of one or more intoxicating substances will receive a medical evaluation and clearance prior to booking and detention. Minors who fall under the condition described above will require documented personal visual observations of the minor no less than once every 15 minutes until resolution of the intoxicated state. If the juvenile appears to be under the influence of one or more intoxicating substances, it shall be documented on the respective juvenile detention log.

7. Minors will be provided with meals if they are in custody during traditional dining hours or snacks if they have not eaten within the last few hours.
 8. Privacy during visits with qualified visitors will be maintained; however, no contraband or weapons will be allowed in a visiting area.
 9. A minor will be allowed controlled access to a telephone for the purpose of notifying a family member, guardian and/or a lawyer. The minor shall have permission to retain their personal clothing, unless it presents a health hazard or is required as evidence. The minor shall have access to restroom facilities and drinking water or other beverages, contingent upon evidence requirements.
 10. Secure confinement area must have a seat for the minor. It must also have temperature control, ventilation and lighting appropriate to the time of day. The minor must be supplied with clothing and blankets as necessary.
 11. When a minor held in secure detention is present in the same room as an adult prisoner, there will be no communication between them, and an officer will maintain constant side-by-side presence. Situations in which a juvenile and an adult prisoner may be in the same room or corridor shall be limited to the following: booking, medical screening and movement of inmates within the law enforcement facilities. Minor males and females are not placed in the same locked room unless they are under direct visual supervision by staff of the law enforcement facility.
- D. Per Title 15, Article 9, Section 1148, of California Code of Regulations, the following conditions apply to supervision of minors in secure detention outside of a locked enclosure.
1. Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 60 minutes unless no other locked enclosure is available. A staff person from the facility shall be present at all times to assure the minor's safety while secured to a stationary object. Securing minors to a stationary object for longer than 60 minutes, and every 30 minutes thereafter, shall be approved by a supervisor. 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 minor and shall be documented.
- Guideline: This section refers to minors who are held in secure detention while handcuffed to a fixed object such as a bench, chair or table.
- E. Minors not accused of criminal conduct (Sec. 601 W&I) or who fail to meet above criteria will not be detained in the Department lockup facilities. They will be placed in a non-secure location with adequate supervision.

1. Per 625(c) W&I, minors shall be admonished of their Miranda rights when taken into custody. The officer advising the minor of their rights shall be listed on the Non-Secure Detention of Juveniles Log.

NOTE: Secure detention time and non-secure detention time may not exceed six hours, even when combined; however, the minor may remain on the premises voluntarily.

NOTE: See sample “Non-Secure Detentions of Juveniles Log,” “Juvenile Confinement Log” and “Secure Detention of Juveniles Log.”

- F. Any juvenile entering secure or non-secure detention shall be asked the following questions:

1. Do you have any medical needs?
2. Do you have any mental health needs?
3. Are you suicidal?
4. Do you have any communicable diseases?
5. When did you last eat?

The responses to the above questions will be noted on the respective Detention of Juveniles log. Affirmative answers to the first four questions require officers to note in the remarks section of the log specifics with regard to the responses.

For example, if the juvenile states they have a medical need, officers shall note in the remarks section of the log the specific medical need and the action we took to resolve the need.

Officers shall also note the juvenile’s response to the last time they ate question. As per section C number 7 of this Instruction, juveniles will be provided meals if they are in custody during traditional dining hours or snacks if they have not eaten within the last few hours.



ESCONDIDO POLICE DEPARTMENT Non-Secure Detention of Juveniles Log



Record ONLY those juveniles held in Non-Secure Detention

Conditions for Non-Secure Detention (WIC §207.1(b)(1):

1. Juveniles described by WIC §602 who are under 14 years of age must be kept in non-secure detention.
2. Juveniles who do not present a serious risk of harm to self or others must be held in non-secure detention.
3. Juveniles may be held for **no more than 6 hours** to investigate the case, facilitate release to parent or guardian, or arrange for the transfer to an appropriate facility.
4. Non securely detained juveniles shall not be detained in a jail, lockup, or held in a locked room or area (holding tank or other locked enclosures).
5. Non secure detention allows the handcuffing of a juvenile, but not to a cuffing rail or other stationary object.
6. Juveniles must be kept sight and sound separate from adult prisoners (WIC §208).

A. Complete this section for each juvenile placed in non-secure detention

Case Number (#)	Charge(s)	Arresting Officer /ID #	Entered Facility	
			<u>Date</u>	<u>Time</u>
Juvenile's Name	Date of Birth / Age	Sex	Remarks	
		☐ Male ☐ Female	Medical Needs? Y / N Mental Health Needs? Y / N Are They Suicidal? Y / N Any Diseases? Y / N Intoxicated? Y / N Time of Last Meal:	

B. Complete this section when juvenile is released or transferred

Released from Facility	Total Time in Facility	Type of Release Code	Release Information
<u>Date</u>	<u>Time</u>	<u>Hours/ Minutes</u>	
		☐ 1. Released to Parent(s). ☐ 2. Transfer to Detention Facility. ☐ 3. Other Type of Release.	Released To: Released By:

Juvenile Entered into eMug With Photo	Juvenile Read Their Miranda Rights
Completed By:	Completed By:

Supervisor Approving Detention:

JUVENILE CONFINEMENT LOG

INSTRUCTIONS: This log is to assist you in maintaining information on minors placed in secure confinement. At the end of each month, the entries in the log should be tallied and entered on the monthly Report on the Secure Confinement of Minors in Jails and Lockups. Be sure to count each minor only once. Do not include minors in confinement who were reported during the previous month.

SECTION A

Confinements:

Enter information for each minor that is placed in secure confinement for any length of time.

Reason for Confinement Codes:

- 1 - Minor admitted to facility following certification (remand) to adult court under provisions of W&I Code, Section 707.
- 2 - Disciplinary transfer from county camp or juvenile hall.
- 3 - CYA detainee, hold, etc.
- 4 - Accused of a felony crime against persons, including homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, or extortion.
- 5 - Accused of other felony not listed in #4.
- 6 - Accused of misdemeanor.
- 7 - Detained for other reasons.

SECTION B

Type of Release Codes:

- 1 - Minor released to parents/own recognizance.
- 2 - Transfer to other detention facility.
- 3 - Other type of release.

SECURE DETENTION OF JUVENILES LOG

Agency: _____

Month/Year: _____

Record ONLY those juveniles held in secure detention and document 30 minute checks.

Conditions for Secure Detention (WIC 207.1(d)1 / Title 15, Article 9):

(secure = secure perimeter, cell, a locked room, or secured to a stationary object)

- Juveniles must be 14 years of age or older and detained under WIC 602.
- Juveniles may not be held longer than 6 hours for processing purposes.
- The detaining officer must have reason to believe that the juvenile presents a serious risk of harm to self or others. **This risk must be documented.**
- Juveniles must be sight and sound separated from adult prisoners at all times (WIC 208).

***Status Offenders and Nonoffenders must not be held in secure detention.**

Status Offenses include: runaway, underage drinking, possession of alcohol/tobacco, curfew violations, truancy (WIC 601).

A Nonoffender is a dependent/neglected juvenile or a juvenile in need of mental health services with no delinquent charges (WIC 300).

*** Release Codes and definitions are listed on back of log.****A. Complete this section for each juvenile placed in secure detention.****B. Complete this section when juvenile is released or transferred.**

Juvenile / Officer / Approved By / Location	Sex	Age	Reason Detained	Entered Facility	WIC 207.1 Advisements	30 Minute observations or 15 minute observations if intoxicated				Released From Facility		Total Time in Facility	Type of Release Code*	Release Information		
			Charge(s)	Date	Time	Juvenile advised of	by: Initials	Time	Emp. Initials	Time	Emp. Initials	Date	Time	Hrs/Mins		
Juvenile's Name:						Purpose of secure detention										Released To:
Arresting Officer:						Expected duration of detention										Released By:
Detention Approved By:						6 hour detention limit										
Location of Secure Detention:	Juvenile Secured to a Stationary Object? (circle one): Yes No			Reason(s) for Secure Detention (circle all that apply): age; maturity; delinquent history; severity of offense; behavior; availability of staff to provide adequate supervision or protection; type and number of other individuals detained. Other:												
CASE NO:																
Juvenile's Name:						Purpose of secure detention										Released To:
Arresting Officer:						Expected duration of detention										Released By:
Detention Approved By:						6 hour detention limit										
Location of Secure Detention:	Juvenile Secured to a Stationary Object? (circle one): Yes No			Reason(s) for Secure Detention (circle all that apply): age; maturity; delinquent history; severity of offense; behavior; availability of staff to provide adequate supervision or protection; type and number of other individuals detained. Other:												
CASE NO:																
Juvenile's Name:						Purpose of secure detention										Released To:
Arresting Officer:						Expected duration of detention										Released By:
Detention Approved By:						6 hour detention limit										
Location of Secure Detention:	Juvenile Secured to a Stationary Object? (circle one): Yes No			Reason(s) for Secure Detention (circle all that apply): age; maturity; delinquent history; severity of offense; behavior; availability of staff to provide adequate supervision or protection; type and number of other individuals detained. Other:												
CASE NO:																

Supervisor Approving: _____

Date Approved: _____

This document is an EXAMPLE of a secure detention of juveniles log; although this information must be documented, there is no prescribed format.

Secure Detention of Juveniles Log

Instructions: This log shall be kept pursuant to Welfare and Institutions Code (WIC) Section 207.1 (d)(1)(F). At the end of each month, the entries on the log of juveniles held in secure detention shall be tallied and entered on the Board of State and Community Corrections form titled Monthly Report On The Detention Of Minors. Ensure that each juvenile is counted only once. Detention begins when the juvenile enters the law enforcement facility and ends when the juvenile leaves the facility.

Section A.

Detentions:

Information shall be entered for each juvenile placed in secure detention, regardless of the length of time. The "Charge(s)" for which the juvenile is detained must include a criminal offense rather than a status offense (see definition of status offense below).

Section B

Type of Release Codes:

<u>Code #</u>	<u>Description</u>
1.	Juvenile released to parent or guardian.
2.	Transfer to detention facility.
3.	Other type of release.

Definitions

Status Offense: A status offense is: runaway, underage drinking, possession of alcohol/tobacco, curfew violation, truancy. A juvenile detained on a warrant where the original offense is a status offense remains a status offender.

Stationary Objects: Stationary objects include cuffing rails, rings, desks, tables, or other immovable objects.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-17-20	NO: 1.36 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: EMERGENCY RESPONSE COST RECOVERY PROCEDURES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supercedes Department Instruction 1.36, dated August 22, 2014.

I. PURPOSE

To establish guidelines for the recovery of costs incurred by the City for Police and Fire emergency responses to DUI/drug-related traffic collisions, as provided for by the California Government Code Section 53150 through 53156.

II. POLICY

A. In accordance with the California Government Code Section 53150 and Assembly Bill 1612, the Department will begin recovering costs for collisions involving driving while under the influence of alcohol or drugs (DUI). The following three-point criteria must be met to activate the cost recovery procedures:

1. Any person operating a motor vehicle while under the influence of alcohol or drugs or any combination.
2. Who is negligent in the operation of a motor vehicle, proximately causing a traffic collision.
3. Which requires an appropriate and reasonable response to the incident.

B. When the above criteria are met, the City will activate the cost recovery procedure.

C. For the purpose of this section:

1. Under the influence means: When, as a result of drinking an alcoholic beverage, or using a drug or both, the driver's physical or mental abilities to operate a motor vehicle are impaired to a degree that he/she no longer has the ability to operate a motor vehicle with the cautionary characteristics of a sober person of ordinary prudence under the same or similar circumstances. (Note: The elements indicative here are not the same as CVC 23152 and 23153.)
2. Negligent operation of a motor vehicle includes intentional, wrongful conduct, proximately causing any incident requiring an emergency response.
3. Emergency response means an appropriate emergency response to the incident, including the costs of providing police, fire-fighting rescue and

emergency medical services at the scene, but shall include only those costs directly arising because of the response to that particular incident.

III. PROCEDURES

- A. The Records Division will forward the collision report face sheets involving DUI or drug-related traffic collisions, which qualify under this Instruction to the Traffic Sergeant or his/her designee. That person will document the amount of time each officer was out of service on scene.
- B. Once the statement is completed, one copy will be maintained by the cost recovery officer for current year plus one, and another copy will be forwarded to the Police Department Business Division. The Business Division will then send the statement to the Finance Department for billing purposes.
- C. The Traffic supervisor will coordinate the initial cost recovery for the Police Department. The Traffic supervisor or his / her designee will maintain a file of all recovery procedures.

IV. RECOVERY PROCEDURE

If the defendant fails to respond to the billing process, the statement will be forwarded to the City Attorney's office for the civil collection process.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 08-22-14	NO: 1.37 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: INTERIOR BUILDING SECURITY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This instruction supersedes Department Instruction 1.37 Administration, dated September 4, 2003.

I. PURPOSE

The purpose of this Instruction is to establish a policy for interior building security.

II. POLICY

The policy of the Escondido Police Department is to require all persons entering the interior of the Police Department building to wear an approved identification, visible on their outer-most garment, at all times.

The only room of the building exempt from this requirement is the front lobby.

III. PERMANENT IDENTIFICATION CARDS

A. Authorized Users

1. A permanent building access identification card, which must be worn whenever entering the building, shall be issued to the following persons:
 - a. All Department employees, including volunteers, part-time employees, and members of auxiliary units.
 - b. All City Council Members, City Manager's Staff, and Department Heads.
 - c. Any other person the Chief of Police authorizes to receive a card to regularly conduct business within the Police facility.
2. Instead of the building access card, all sworn personnel, including those from other agencies, may display their badge for identification. This includes non-sworn Escondido personnel who have been issued badges.
3. Other non-police City employees may gain access to the building interior when they are in full uniform and are wearing their City-issued identification card.

B. Permanent Identification Card Design



The card can be displayed either by clipping it to clothing, or suspending it from a neck-chain.

IV. TEMPORARY IDENTIFICATION CARDS

- A. All persons not eligible for a permanent building access card shall be issued a one-day temporary identification tag. This temporary identification is divided into two categories:

1. Accompanied Visitors

This category will include members of the press, crime victims, ride-alongs and others who have business to conduct within the building, but who must always be accompanied by a Department employee.

These persons will sign in on the visitor log and will be met at the lobby by the employee who will escort them while they are in the building.

2. Unaccompanied Visitors

This category will include some vendors, consultants, and others who do not have to be accompanied while in the building. It will also include those persons who have been issued a permanent building access card, but do not have it available on that particular day.

These persons will also sign in on the visitor's log before being given unaccompanied access to the building.

B. Temporary Identification Card Design

1. The one-day temporary identification card shall consist of an adhesive tag clearly marked with the current date.
2. Accompanied visitors will receive [REDACTED].
3. Unaccompanied visitors will receive [REDACTED].

C. Temporary Identification Card Procedure

1. The temporary identification card will be issued by front lobby personnel. They will first verify the visitor's personal identification, then complete the visitor log. After normal work hours, the watch commander or their designee will assume this duty. A separate log and a supply of temporary tags will be kept in the watch commander's office for this purpose.
2. The issuing employee shall ensure that the tag is affixed to the individual's outer-most garment prior to the person leaving the lobby area.
3. Front lobby personnel will request an escort for accompanied visitors.

In all cases where it is unclear whether a person should be accompanied or unaccompanied while in the building, a supervisor should be consulted.

V. POLICY VIOLATIONS

Any employee who observes a person not in compliance with this policy, or displaying a temporary tag which is torn or out of date, should inquire of the person's status, then take the appropriate steps to bring the person into compliance.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-27-20	NO: 1.38 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: SUPERVISOR'S REPORT	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.38, dated July 21, 2017.

I. PURPOSE

The purpose of this Department Instruction is to establish the procedure for the use of Supervisor's Reports and Traffic Accident Warnings.

II. POLICY

- A. It is the policy of the Escondido Police Department to ensure that all sworn and non-sworn employees maintain a professional level of competency. To meet this goal, incidents of recognized, superior or sub-standard performance shall be documented on a Supervisor's Report.
- B. A Supervisor's Report documenting recognized or superior job performances shall be used to document above-standard performance that does not rise to a formal commendation or above level.
- C. A Supervisor's Report documenting sub-standard job performances shall be used to document the counseling of an employee as to a desired performance or behavior.
- D. Performances documented on a Supervisor's Report may be used to cite the existence or nonexistence of a characteristic in a performance evaluation.

III. PROCEDURE

- A. The Supervisor's Report, as categorized, shall be used to document any of the following:
 - 1. Commendation - Employee work demonstrating exceptional performance such as: workplace initiative, job knowledge, leadership, dependability, report writing skills, investigations, etc., where the performance does not warrant a Commanding Officer's Citation or Exceptional Performance Citation.
 - 2. Recognition - Performance recognition received from sources including, but not limited to, supervisors, citizens, peers, other law enforcement agencies or the District Attorney's Office where the performance does not warrant a commendation.

3. Training - Any employee performance which indicates a need for additional training.
 4. Counseling - Any employee performance where the conduct warrants counseling.
 5. Traffic Accident Warning – Pursuant to Administrative Directive #3, this report shall be utilized to document an employee's involvement in a "preventable accident" and it is the employee's first traffic collision within a 24-month period. Unlike other supervisor reports, a traffic accident warning will remain in the employee's personnel file for 24 months from the date of the accident.
- B. The supervisor will review the completed Supervisor's Report with the employee.
- C. Both the supervisor and the employee will sign the Supervisor's Report.
- D. The supervisor will forward the Supervisor's Report to Administration. Administration will distribute the copies after the Supervisor's Report has been reviewed. Copies of Commendations and Recognitions will be forwarded to the Chairperson of the Awards Committee.
- E. Supervisor's Reports will be purged annually, with current year plus one year being retained (with the exception of the Traffic Accident Warning).

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 07-18-19	NO: 1.39 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: WORKERS' COMPENSATION	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supercedes Department Instruction 1.39 Administration, dated December 22, 2017.

I. PURPOSE

To facilitate a complete recovery and quick return to work due to a work-related injury or illness.

II. POLICY

It is every supervisor's job to ensure that the injured employee is getting the treatment and support they need.

The employee's currently assigned supervisor will be responsible for adhering to this policy.

- A. Off-duty recreational, athletic, or social activities are not a reasonable expectation of employment and shall not be an express or implied requirement of employment. If the Department establishes a training event, i.e., a fitness for duty examination, fitness test, or approved martial arts training, then employee's training for such a specific event shall be considered a reasonable expectation of employment and compensable if an injury occurs.

Similarly, injuries that occur while using Department exercise equipment shall be considered work related for the purpose of workers' compensation.

The Chief of Police may authorize an officer to participate in an exercise program, approved and monitored by a physician, while off duty. In this circumstance, the exercise program would then become a reasonable expectation of employment.

B. Supervisor Responsibilities:

1. Complete all necessary paperwork with the current forms located on the Intranet under Employee Tools at <https://intranet.escondido.org/workers-compensation.aspx>.

- a. Paperwork shall be completed at the time the supervisor is notified of the injury and no later than end of shift.

- b. In order to expedite the claim, a complete investigation shall be conducted by the injured employee's immediate supervisor and not simply a summary of facts as relayed by the injured employee.
 - c. If the employee is placed on modified duty, the Return to Work – Modified Duty Acknowledgement form shall be completed (see attachment).
 - 2. Contact injured employee at least once a week and after every appointment.
 - a. Report information up the chain of command.
 - 3. Contact Workers' Compensation at City Hall to expedite if injured employee is waiting for a procedure/diagnostic test.
 - 4. Verify restrictions, if any, and date of the next appointment.
 - 5. Ensure that the employee adheres to the work restrictions.
 - 6. Collect the employee's assigned vehicle and specialty equipment.
 - a. All equipment shall be removed from the vehicle.
 - 7. Contact Workers' Compensation at City Hall for clarification from the doctor if there are no work restrictions.
 - 8. In the event an employee is treated at the hospital, retain a copy of all discharge paperwork and forward along with the incident report, the supervisor's report, and the DWC.
- C. Employee Responsibilities:
- 1. Comply with this policy, meet the workers' compensation requirements, and return to work as soon as medically cleared.
 - 2. Schedule appointments for medical treatment as soon as possible.
 - a. If assistance is needed with scheduling appointments, the employee's immediate supervisor should be contacted.
 - b. If an appointment is missed, the employee's immediate supervisor shall be contacted immediately.
 - 3. Immediately notify immediate supervisor with any change in work status or restrictions.
 - 4. Adhere to the workers' compensation restrictions while on duty and off duty.

5. Turn in assigned vehicle and specialty equipment to immediate supervisor.

a. All equipment shall be removed from the vehicle.

1) If removal of the equipment violates any workers' compensation restrictions, the employee's supervisor should be contacted.

D. Subpoenas

The employee is required to answer subpoenas as long as it does not violate the workers' compensation restrictions.

1. If clarification is needed, the supervisor should be contacted.

2. It is the employee's responsibility to contact the court.

E. Training

The employee is required to continue with any required Department training as long as it does not violate the workers' compensation restrictions.

1. If clarification is needed, the supervisor should be contacted.

F. Current shift, work assignment, and days off will be considered when assigning a light-duty assignment. In all cases, the needs of the Department will take precedence.

G. In the event of an off-duty workers' compensation injury, the claim may be delayed.

For additional information, refer to the City of Escondido's Employees with Workplace Injuries brochure, dated August 2017

(<https://intranet.escondido.org/Data/Sites/8/media/pdfs/Injuredempbrochure.pdf>).



RETURN TO WORK – MODIFIED DUTY ACKNOWLEDGEMENT

Form to be completed by the employee's modified duty supervisor

Employee's Last Name:		Employee's First Name:					
Job Title:	Department:					Full-time ☐ Part-time ☐	
Medical Release Information							
Physician Name:				Date of Medical Release:			
Medical Restrictions (attach physician's documentation)							
Modified Duty Information							
Modified Duty Description/Duties:							
Assignment Start Date:				Assignment End Date:			
Please complete: If the temporary assignment requires the employee to work an alternate schedule							
☐ Full-Time ☐ Part-Time	☐ Mon From: _____ To: _____	☐ Tue From: _____ To: _____	☐ Wed From: _____ To: _____	☐ Thu From: _____ To: _____	☐ Fri From: _____ To: _____	☐ Sat From: _____ To: _____	☐ Sun From: _____ To: _____
Supervisor's Signature				Supervisor's Printed Name			Date:
HR Representative's Signature				HR Representative's Printed Name			Date:
Employee's Acknowledgement							
This is a temporary modification, not a permanent assignment. It was created to assist you with returning to regular work. This modification is provided with the understanding that after each future doctor visit you will provide a medical update indicating either a release to perform the essential functions of your position or information describing updated functional limitations, so that a determination can be made regarding continuation of the temporary modification. Adjustments may be made before the assignment end date if your progress warrants. The City of Escondido will do everything it reasonably can to assist you in a safe transition from injury to return to regular work. However, you must take primary responsibility for your own safety. Please notify your modified duty supervisor immediately if you encounter any problems with your work assignment and/or your medical restriction changes. By signing below, you agree to work within and understand the restrictions established by your physician.							
Please note: Refusal to accept the temporary work assignment may affect your Workers' Compensation benefits.							
Employee's Signature				☐ Accept ☐ Decline		Date:	

Original: Human Resources

Copy: Employee

Copy: Modified Duty Supervisor



Return To Work – Modified Duty Acknowledgement

Instructions

This form is to be completed for all employees who are offered a temporary modified duty assignment

Process:

1. Employee's modified duty supervisor will complete the Employee's Information, Medical Release Information, Modified Duty Information sections of the form and sign. The acknowledgement form must be completed for any employee who is offered a temporary modified duty assignment.
2. The employee will complete and sign the Employee's Acknowledgement section, either accepting or declining the temporary work assignment. By accepting, the employee is agreeing to work within the restrictions established by his or her physician.
3. The employee's modified duty supervisor must forward the original signed acknowledgement to Human Resources.
4. Once the original is received by Human Resources, a representative will sign the completed acknowledgement form and forward copies to the employee and the employee's modified duty supervisor.
5. The original acknowledgement will be placed in the employee's Benefits or Workers' Compensation file.
6. Medical restriction updates (updated documentation from the physician) must be attached to this form. A new acknowledgement form must be completed in the event there is a change in the employee's medical restrictions.
7. Employees are to use LDY and LDP when working modified duty.

Any changes to the duties and/or dates will require a new acknowledgement form.

Original: Human Resources

Copy: Employee

Copy: Modified Duty Supervisor

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 10-23-14	NO: 1.40 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: P.O.S.T. CERTIFICATE ELIGIBILITY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supercedes Department Instruction 1.40, dated August 7, 2003.

I. PURPOSE

The purpose of this Instruction is to define the eligibility and policy for the Commission on Peace Officer Standards and Training (P.O.S.T.) professional certificates.

II. GENERAL INFORMATION

The Commission on Peace Officer Standards and Training awards professional certificates upon eligibility. In addition, the City has established a seven-step salary range for police officers and police sergeants. The additional pay for P.O.S.T. certificates and the seven salary steps is established by the City and the Escondido Police Officers' Association.

III. PROFESSIONAL CERTIFICATE ELIGIBILITY CRITERIA

When an officer becomes eligible for a P.O.S.T. professional certificate, it is the individual officer's responsibility to advise the Training Division. It is important that the officer track his/her own progress. The Training Division does not track an officer's eligibility, and they do not notify officers when they are eligible.

IV. PROFESSIONAL CERTIFICATES

Eligibility for P.O.S.T. Certificates is defined below:

A. Basic Certificate (at the time of eligibility):

1. An officer must have satisfactorily completed a probationary period of no less than one year.
2. An officer must have satisfactorily met the appropriate P.O.S.T. Basic Course training requirements.

B. Intermediate Certificate:

1. An officer must possess or be eligible to possess a Basic Certificate at the time of eligibility for a P.O.S.T. Intermediate Certificate.
2. An officer must satisfy the prerequisite of the P.O.S.T. Basic Academy training course. In addition, an officer must acquire the training and

educational points and/or the college degree designed and the prescribed years of law enforcement experience in one of the following combinations:

Minimum Training Points Required	15	30	45	
Minimum Education Points or Degree Required	15	30	45	Associate Degree Baccalaureate Degree
Years of Law Enforcement Experience Required	8	6	4	4 2

C. Advanced Certificate

1. An officer must possess or be eligible to possess an Intermediate Certificate.
2. An officer must satisfy the prerequisite of the P.O.S.T. Basic Academy training course. He/she must acquire the training and education points and/or the college degree designed and the prescribed years of law enforcement experience in one of the following combinations:

Minimum Training Points Required	30	45			
Minimum Education Points or Degree Required	30	45	Associate Degree	Baccalaureate Degree	Master's Degree
Years of Law Enforcement Experience Required	12	9	9	6	4

D. Supervisory Certificate (at the time of eligibility):

1. An officer must possess or be eligible to possess a P.O.S.T. Intermediate Certificate.
2. An officer must have no less than 60 college semester units awarded by an accredited college.
3. An officer must satisfactorily meet the requirements of the supervisory course.
4. An officer must have served satisfactorily for a period of two years as a first-line supervisor, middle manager, or assistant department head.
5. An officer must attend a P.O.S.T. supervisory course prior to promotion or within 12 months after initial promotion.

E. Management Certificate

1. An officer must possess or be eligible to possess a P.O.S.T. Advanced Certificate.
2. An officer must have no less than 60 college semester units awarded by an accredited college.
3. An officer must satisfactorily meet the training requirements of the management course.
4. An officer must have served satisfactorily for a period of two years as either a middle manager or assistant department head.
5. An officer must attend a P.O.S.T. management course prior to promotion or within 12 months after initial promotion.

F. Executive Certificate (Optional—Per P.O.S.T. Administrative Manual):

1. An officer must possess or be eligible to possess a P.O.S.T. Advanced Certificate.
2. An officer must have no less than 60 college semester units awarded by an accredited college.
3. An officer must satisfactorily meet the training requirements of the executive development course.
4. An officer must have served satisfactorily for a period of two years as a department head.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 02-16-22	NO: 1.41 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: CORE POLICY TRAINING	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.41 Administration, dated January 13, 2021.

I. PURPOSE

To identify core policies outlining critical tasks that officers are required to perform and establish training of core policies.

II. CORE POLICIES AND TRAINING RESPONSIBILITY

- A. The following Department Instructions have been identified as core policies involving critical tasks officers are required to review annually:

Department Instruction	Training Responsibility
1.2B Equipment and Weapons	Range Staff
1.5 Use of Firearms	Range Staff
1.6 Use of Tear Agents and Equipment	Briefing Training
1.10 San Diego County Regional Pursuit Policy	Briefing Training
1.13 Handcuffing and Searching Prisoners	Defensive Tactics
1.15 Emergency Vehicle Operations	Briefing Training
1.22 Security of Criminal Offender Record Information (CORI)	Briefing Training
1.24 Use of Physical Force	Defensive Tactics
1.25 Discrimination/Sexual Harassment	Briefing Training
1.27 Use of Baton	Defensive Tactics
1.28 De-Escalation and Crisis Intervention	Briefing Training
1.29 Use of a Conducted Energy Device (CED)	Defensive Tactics
1.35 Confinement of Minors	School Resource Officers
1.43 Use of Cordcuff	Defensive Tactics
1.46 Use of Specialty Munitions	Range Staff
1.51 Use of Recording Devices	Briefing Training
1.56 Use of Jail Restraint Chair	Briefing Training
1.57 Use of Narcan	Briefing Training
3.1 Procedures for Handling Evidence	Property Division
3.3 Missing Persons, Runaways, Lost, Missing Children	Briefing Training
4.6 Jail Duties and Responsibilities	Briefing Training
4.11 Foreign Nationals	Briefing Training
4.19 High Risk Stops	Briefing Training
4.26 Use of Tire Deflation Devices	Briefing Training

- B. The following additional Department Instructions have been identified as core policies involving critical tasks supervisors are required to review annually:

Department Instruction	Training Responsibility
1.12 Civilian Complaint Procedures	Internal Affairs
1.30 Long Range Acoustical Device (LRAD)	Training Division
3.14 Major Crime Protocol	Crimes of Violence
4.1 Rules & Regulations Governing All Watches	Lieutenants
4.4 LEICS	Lieutenants
4.13 Hostage Takers / Barricaded Suspects	SWAT/ENT

III. SCHEDULING AND DOCUMENTATION OF TRAINING

- A. Formal core policy training schedules shall be established by the Training Division on an annual basis.
- B. Documentation is the responsibility of the trainer/supervisor providing the training, and once completed shall be forwarded to the Training Manager.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-17-20	NO: 1.42 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: SAN DIEGO COUNTY LAW ENFORCEMENT INTER-AGENCY NOTIFICATION POLICY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.42 Administration, dated May 30, 2014.

I. PURPOSE

To establish procedures implementing a San Diego County Inter-Agency Notification Policy.

II. POLICY

Employees of the Escondido Police Department will adhere to the notification procedures agreed to by the San Diego County Chiefs' and Sheriff's Association. This policy does not affect interaction with federal agencies.

III. DEFINITIONS

- A. A service agency is the law enforcement agency initiating an investigation or planned event which enters another agency's jurisdiction.
- B. A venue agency is that law enforcement agency having primary responsibility for the delivery of police services in a geographical area.
- C. A planned event is a law enforcement activity which can be/is planned in advance, such as the service of a search or arrest warrant, a money or narcotic show, a protracted surveillance, etc.

IV. NOTIFICATION

Prior to a planned event, the service agency shall notify the venue agency, in a timely manner, of the proposed event. Notification will normally be to the venue agency's Watch Commander. Such notification should include:

- A. The time and location of the planned event and the names of the involved persons, if applicable.
- B. The nature of the planned event; i.e., search warrant, etc.
- C. An assessment of the potential for problems.
- D. What assistance, if any, is or may be requested of the venue agency.
- E. Description of vehicles involved (suspect and police).

V. NARCOTICS INVESTIGATIONS

- A. The following additional steps shall be taken to avoid confrontations between narcotics investigators and to reduce the overlap of investigative steps taken:
1. Inquiry to the San Diego Law Enforcement Coordination Center.
 2. Inquiry to the specific venue agency's narcotics division.
 3. Inquiry to San Diego County Integrated Narcotics Task Force.
- B. Once received, the venue agency is responsible for:
1. Maintaining the confidentiality of the information; any intra-departmental notification it deems appropriate.
 2. Provide reasonable assistance, if requested.
- C. At the conclusion of the event, the service agency shall make an exit notification to advise of the event's termination. If possible, this notification should be to the same individuals or their reliefs. Should the event result in a noteworthy incident (i.e., a large seizure, arrest of a notable person), this information shall likewise be conveyed to the venue agency. Press notifications, if appropriate, should be handled by the service agency or jointly.

VI. NARCOTICS INVESTIGATIONS (CHP)

- A. When the CHP has located drugs which meet any of the following established criteria as contained in Section 11470 of the Health and Safety Code, the signatory allied agency shall be notified by the CHP and asked to respond to the scene of the discovery.

14.25 grams or more of a substance containing heroin, as specified in paragraph (1) of subdivision (f) of Section 11054 of the Health and Safety Code.

14.25 grams or more of a substance containing cocaine base, as specified in paragraph (11) of subdivision (c) of Section 11054 of the Health and Safety Code.

28.5 grams or more of a substance containing a Schedule I controlled substance or a substance containing cocaine, as specified in paragraph (6) of subdivision (b) of Section 11055 of the Health and Safety Code, or methamphetamine, except marijuana, peyote, or psilocybin.

10 pounds of dry weight or more of marijuana, peyote, or psilocybin.

- B. When the signatory agency is notified of drug investigations which meet the aforementioned criteria, it is understood that they will either telephonically decline to respond or arrive at the scene within a reasonable amount of time of notification. Upon arrival of the signatory agency, they may either decline to handle the investigation or take over the CHP-originated case and complete the investigation to its conclusion. The investigation shall be handled entirely and not in part by the responding agency.
- C. By no means shall the signatory agency be obligated to handle narcotics investigations originated by the CHP.

VII. FIELD CONTACT/ CONFRONTATIONS

- A. Because plainclothes/ undercover officers are not readily identifiable as law enforcement members, contacts between them and uniformed personnel include the potential for confrontation. The primary responsibility for avoiding or defusing this risk lies with the non-uniformed officer(s).
- B. Their actions and deportment, when contacted by a uniformed officer, are critically important. The following suggestions are intended to assist in avoiding or alleviating the tension possible in such contacts:
 - 1. Where direct confrontation with suspects is anticipated, the officers involved should wear clothing (such as a marked raid jacket with the word "POLICE" clearly printed on it) that clearly identifies the officer.
 - 2. When not clearly identified as a police officer, that officer should carry his firearm well concealed rather than partially or completely exposed to view.
 - 3. When stopped, identify himself/herself verbally and indicate where credentials and weapons are located.
 - 4. Follow the instructions of the uniformed officer explicitly.
 - 5. Avoid any sudden movement which could be interpreted as suspicious or threatening. Keep hands in sight and open.
 - 6. Comply with any requests of the uniformed officer without hesitation.
 - 7. Be prepared to provide the phone number and name of a supervisor or other agency member who may be contacted for verification as requested by the uniformed officer.

VIII. UNPLANNED EVENTS

Recognizing the changing nature and directions that investigations may take, service agencies may find it necessary to enter into a venue agency's jurisdiction without prior coordination. In such instances, the venue agency will be notified as soon as possible, conforming to above procedures.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 07-17-23	NO: 1.43 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: USE OF WRAP RESTRAINT DEVICE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.43, October 7, 2020.

I. PURPOSE

To provide procedures to be used when applying the WRAP Restraint and transporting prisoners.

II. GENERAL

The Department authorizes the use of restraint devices in accordance with this policy and Use of Force Department Instruction 1.24. It is important that all personnel understand the responsibility involved when utilizing the WRAP Restraint. This Instruction establishes the guidelines for the use of the WRAP Restraint. Only authorized WRAP Restraint techniques are those taught and approved by the Department or at a California P.O.S.T.-approved Police Academy. This policy revision makes the use of the “Cord Cuffs” obsolete and no longer authorized for use.

III. BACKGROUND

- A. Handling violent persons, who are drug-driven or out of control for any number of reasons creates the difficult task of maintaining their safety, officer safety, and the safety of others. The WRAP Restraint is a tool designed as a force option to help officers control and restrain persons who pose a physical threat when being handcuffed or when other restraint options are inadequate. The WRAP restricts movement of a person's arms and legs without impairing breathing, and when applied properly, reduce the risk of injury to the person restrained, to those around that person, and the likelihood of property damage.
- B. The WRAP may be applied to persons in the field, persons being transported, or in the jail. Officers must remain aware that the restrained person is more dependent on the officer(s) for their well-being. Restrained persons should not be placed in a position that would obstruct or impair breathing, or be placed or left in a prone position. The WRAP, when applied, places an individual in a seated position and promotes free breathing. Restrained persons will be continuously monitored for breathing, skin color, and level of consciousness.

IV. POLICY

- A. The WRAP may be utilized on individuals who pose a threat of injuring themselves or others because of their combativeness or uncontrollable state and the use of handcuffs and/or other approved restraints is not sufficient.

- B. A person who is restrained with the WRAP can be placed in the CART (made by Safe Restraints Inc.) while in our jail or while being transported to another facility for transportation. The CART may be used in place of the restraint chair for forced blood draws and when the person is in our jail or while being transferred to other facilities.
- C. If deemed appropriate and safe, the restrained person may be transferred via the CART (made by Safe Restraints Inc.) and placed into the restraint chair while the person is in our jail or while being transported to Vista Detention Facility or other approved facility.

V. APPLICATION RESPONSIBILITIES

- A. At no time will a prisoner be transported in a prone position. A face-down position may contribute to respiratory obstruction.
- B. For transporting, seat belts shall be utilized in a manner that will not obstruct a prisoner's breathing, but will secure the prisoner for safe transportation.
- C. Persons who are restrained with the use of the WRAP should be transported by two officers, unless unusual circumstances exist. The WRAP is designed for a person to be restrained in a seated and upright position. A single officer may transport a restrained person with prior approval and inspection by a supervisor or a Field Training Officer. In all other cases, two officers are required to transport and monitor the person. The secondary (cover/passenger) officer will have primary responsibility for monitoring the restrained person's safety. The passenger officer shall maintain observation of the prisoner, monitoring their color, breathing, and level of consciousness.
- D. Officers should utilize good judgment in determining if the prisoner should be released from the WRAP or if the tension should be adjusted for proper fit to make the prisoner as comfortable as possible while maintaining safety for officers and suspect.
- E. All persons restrained with the WRAP will be continuously monitored until they are released. Monitoring prisoners for safety applies to field, jail and other facility settings, as well as the transportation responsibilities.

VI. APPLICATION STEPS

- A. The WRAP restraint technique is generally used to restrain violent handcuffed resistive subjects and typically requires multiple officers. It is important for officers to remember that bodyweight can restrict breathing. When the suspect is controlled and is secured in the WRAP the subject will be properly placed in a seated upright position.

1. The WRAP restraint technique can be accomplished with the single application of one ankle strap to a subject who is handcuffed.
 2. When deciding whether to remove restraints from a person, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.
 3. Restraint of Pregnant Persons (Penal Code 3407)
 - a. (A)n inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body.
 - b. A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public.
 - c. Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary.
 - d. This section shall not be interpreted to require restraints in a case where restraints are not required pursuant to a statute, regulation, or correctional facility policy.
 - e. Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates, including, but not limited to, the provisions of this chapter, the relevant regulations, and the correctional facility policies.
 - f. For purposes of this section, "inmate" means an adult or juvenile who is incarcerated in a state or local correctional facility.
 4. Restraint of Juveniles:
 - a. A juvenile under 14 years of age should not be restrained via the WRAP unless the individual is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, cause injury to themselves or officer or other person, or cause damage property.
- B. Officers must notify emergency medical services immediately if a prisoner displays signs of medical distress during or after being restrained.

- C. Good judgment and appropriate care must be exercised before, during and after the application of any restraint device. WRAP restrained persons shall be continually monitored and not left unsupervised.

VII. VEHICLE PLACEMENT AND TRANSPORTATION

- A. WRAP Restrained persons shall be carried to the transport vehicle using the carry handles; a minimum of two officers should be used. The subject should be placed in a seated upright position for transport. However, when this is not possible, the subject should be placed on their side. The subject shall not be transported in a face-down (prone) position. The subject's face should be in a position that allows continuous monitoring by the transporting officers. Unless unusual circumstances exist, two officers should transport a maximally restrained subject.
- B. The subject shall be continually monitored.
- C. All persons placed in the WRAP Restraint shall be segregated away from other inmates to prevent abuse.
- D. The subject shall not be left unattended or unsupervised.
- E. In general, the subject should be seated and secured behind the driver to allow the passenger officer to monitor the subject while in transport. While using a side-lying position during transport, the subject's head/face should be facing forward behind the driver, to allow the passenger officer to continually monitor the subject.
- F. If a two-officer transport is not feasible, position the subject behind the passenger side in order to allow the driver to monitor the subject while in transport.
- G. If only the ankles are secured in order to prevent kicking, and the subject is in the seated upright position, a LR-2 Leg Restraint may also be applied.

VIII. MEDICAL ATTENTION

- A. Should first aid or medical attention become necessary, the following action should be taken:
 - 1. Render first aid immediately.
 - 2. Call for medical assistance immediately.
 - 3. Advise a supervisor of the situation as soon as possible.

IX. NOTIFICATION AND DOCUMENTATION

- A. Supervision shall be notified as soon as possible when WRAP has been applied.
- B. Officer(s) shall document all incidents of WRAP usage.
- C. Officer(s) shall identify the subsequent use of force report in RMS as a “Use of Force Special Studies.”

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-23-20	NO: 1.44 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: COMPUTER PROCEDURES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.44 Administration, dated November 21, 2017.

I. PURPOSE

The purpose of this Instruction is to establish practices and procedures in the Department for use of computer equipment, terminals and software. See Instruction 1.22 for further rules concerning security of CORI.

See also the City Manager's Directive, number 27, for further computer procedures. Directive 27 is attached to this Department Instruction.

II. POLICY

This policy will assure consistency of use and accountability of possession of computer hardware and software. Employees are not to operate, dismantle, transfer or otherwise disturb computer hardware or software unless expressly authorized to do so.

III. GENERAL

- A. All personnel authorized to use computer equipment shall receive training prior to or with distribution of the equipment; exceptions can be made only by the systems administrator. The systems administrator is the Services Bureau Captain or his/her designee for purposes of this Instruction.
- B. Periodic audits of the computer equipment and software programs will be performed by Information Systems managers.
- C. Some equipment may be distributed with a software package already installed which includes computer games. These games shall not be played during work hours. No additional games shall be installed.
- D. Terminals shall not be left unattended in a state capable of affording access to information, records or programs by an unauthorized individual.
- E. The responsibility for training all employees in the proper use of CLETS and other law enforcement computer databases rests with the agency terminal coordinator (ATC) or his/her designee. The ATC for the Escondido Police Department is the Records Manager.
- F. Officers, CSOs, CTOs and Patrol Techs shall log on and off CAD while operating

a CAD-equipped vehicle while en route to training, court, or to and from their work assignment.

IV. HARDWARE

- A. Maintenance of all City-issued or authorized computer equipment, terminals and printers shall be performed by the Information Systems staff unless prior authorization is given.
- B. All inventory of hardware shall be maintained by the systems administrator or his/her designee.
- C. Unless authorized by the systems administrator, no computer equipment shall be installed, repaired, transferred, upgraded, exchanged, or borrowed. During non-business hours, the Watch Commander may make exceptions.
- D. All mobile computer terminals will be marked with a serial number and assigned to a specific employee. That employee is responsible for keeping track of that unit and will report any problems to the Department's Information Systems technician.
- E. Only in cases of emergency or prior approval from a supervisor shall employees access a computer that is not assigned to them or sign/log on under another employee's ID.
- F. Requests for additional data line outlets will be made through the systems administrator.
- G. Use of or attachment of personally owned equipment is not permitted at the work site unless expressly authorized by the Chief of Police or his/her representative. Any personal equipment and/or software used at the work site is subject to this Department Instruction.
- H. Identification of computer equipment, by other than the serial number, may include an employee's name, initials or ID number. These markings should not be made by a permanent means (i.e., permanent markers, engraver, stickers, etc.) because many of the computer terminals, especially the mobile computer terminals, are regularly in view of the public. Markings or personalization of equipment other than that specified is not permitted. It is a goal of the Department to maintain a professional appearance at all times.
- I. Use of ARJIS-issued data devices (handheld SRFERS, Facial Recognition, Fingerprint Readers, etc.) is permitted and authorized by the ARJIS user agreement. Any maintenance, upgrade, or service requests shall be coordinated with ARJIS staff.

V. SOFTWARE

- A. Software programs shall be loaded only by Information Systems staff unless prior authorization by the systems administrator is given.
- B. A list of authorized software programs will be maintained by Information Systems staff.
- C. Updates will be installed only with the approval of the systems administrator.

VI. MOBILE COMPUTER TERMINALS (MCTs)

- A. All personnel authorized to use MCTs will follow all Department Instructions regarding the care and usage of MCTs.
- B. Messages transmitted and received by MCT will be considered the same as radio transmissions, and all guidelines associated with radio transmissions will be adhered to.
- C. All MCT transmissions will be Department-related. MCT transmissions will be reviewed on a periodic basis for compliance with this Instruction. The following are some types (not limited to) of transmissions that are expressly prohibited:
 - 1. Personal, conversational-type transmissions;
 - 2. Offensive language of any kind;
 - 3. Sexually-oriented or explicit or offensive comments;
 - 4. Derogatory or offensive comments about fellow officers, other Department or City personnel, or the public;
 - 5. Racial or discriminatory remarks;
 - 6. Private business related.
- D. All authorized employees using MCTs or ARJIS-issued handheld devices for CORI and Department of Motor Vehicle-related inquiries (i.e., CLETS information, DMV vehicle registration, driver's license files, name check files, SD Law, etc.) will do so for police-related inquiries only. The information requested shall be accessed only on a need-to-know AND right-to-know basis. The information obtained through DMV files will be used only for police-related business and shall only be released according to Department and DOJ regulations.
- E. Testing and practice on the MCTs or ARJIS devices through DMV files will be done only with the current DOJ-approved list of testing files (available from the Communications Center). All other forms of testing and practice will be in

violation of Department and DOJ rules and regulations.

VII. AUTOMATIC VEHICLE LOCATION (AVL)

A. Purpose Statement:

AVL technology and components in CAD are designed and deployed with the specific purpose of safety and management of resources. AVL is a tool for dynamic and near real-time information for vehicle location, route(s), and speed.

This technology will assist the Police Department in the deployment of resources, aid in the reduction of response times, and enhance overall efficiency. AVL uses Global Positioning Satellites (GPS).

B. Retention:

AVL data will be retained for a period of 18 months as the primary default and can be retained longer on an as-needed basis (critical crime cases, liability, or litigation).

C. Data Retrieval:

Special requests through Information Systems:

1. Administrative nature – via Internal Affairs;
2. Criminal nature – via Investigations Lieutenant(s);
3. Traffic nature – via Traffic Lieutenant.

Data may also be retrieved as a matter of quality control or quality assurance by any supervisor through their respective lieutenant. Quality control data retrieval is tracked.

D. Route Selection: AVL and AVRR (Automated Vehicle Routing and Recommendation):

AVRR is a component of CAD and uses AVL information as well as call information to search for and display the closest units for response based on drive time from their current location to the event location. AVRR is a suggestion to help decrease response time and provides responding units with a suggested driving route:

1. Calls-for-service are dispatched by level of priority and locations of AVL equipped vehicles;

2. Officers, supervisors, and dispatchers have discretion to modify the recommended primary unit based upon current conditions;
3. AVRR is not the final decision maker and is a guide for responding officers.

E. Views:

Police AVL information is considered sensitive, confidential, and secure. Only authorized persons can access and view near real-time and historical AVL information.

Updates of unit location and changes to override unit location information can only be made by operators in the Communications Center; changes are tracked.

The following terminals are authorized for display of AVL information:

1. Communications Division (all terminals);
2. Communications Manager's Office;
3. Watch Commander's Office;
4. EOC (on-demand);
5. DOC (on-demand);
6. Information Systems (for maintenance and operations, support, and systems management).

AVL viewable information outside of the above areas is at the discretion of the Chief of Police.

F. AVL Mechanics

1. Current policy applies for CAD log-in when a patrol car is in-transit;
2. Current procedure for repair orders will be made promptly when any hardware is not working: computer, modem, AVL GPS.

VIII. COMPUTER MOUNTS AND WIRING IN VEHICLES

- A. Officers will not move or remove computer mounts installed in vehicles without written authorization from the vehicle committee.
- B. The wiring for computers and modems will not be moved or altered in any way without written authorization from the vehicle committee.

- C. Officers going off duty for a period of three days or more should unplug their computer wire to prevent battery drainage.
- D. Officers should turn off their computer when jump starting the vehicle.

CITY OF ESCONDIDO

CITY MANAGER'S
ADMINISTRATIVE DIRECTIVE

Directive No.: 27
Date: Rev. 8/02, 2/07, 10/16, 2/18,
04/19
Originating Dept.: Information
Systems/Human Resources

SUBJECT: USE OF TECHNOLOGY, ELECTRONIC COMMUNICATION, AND OTHER
ELECTRONIC MEDIA

PURPOSE:

This directive establishes policy and procedures to be used by all departments regarding the use of City technology.

POLICY:

I. General Policy

It is the general policy of the City of Escondido that City technology and electronic communication systems are City property to be used for official City business. The term "technology" includes, but is not limited to: devices such as computers; laptops; tablets; smart phones; network-aware TVs; cameras; Internet of Things (IoT); and software. The term "electronic communication system" includes, but is not limited to: network and Internet communications; e-mail; text messaging; instant messaging; and telephone systems.

While use of these technology and systems is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits. Under no circumstances should personal use of technology or systems interfere with the employee's work or violate the provisions of this policy.

In order to enforce these policies, the City may monitor technology and electronic communication usage at any time, including retrieving and reading e-mail messages and other electronic files and the monitoring of Internet traffic. Therefore, electronic communications that traverse the City network are ***not confidential***. Although you may be issued a private password or other private access code to log in to a device, you should have ***no expectation of personal privacy*** with regard to the use of these technologies or systems.

This Policy applies to the use of all City technology and systems including personal systems used for City business, even if used off City premises or during nonworking hours.

An employee's conduct while using City technology and systems is subject to all existing Federal and State laws and other City rules, policies, and Directives, such as those relating to discrimination and sexual harassment.

II. Hardware Technology

- A. All employees share in the responsibility to protect City technology from physical and environmental damage and are responsible for the correct operation, security, and maintenance of those devices.
- B. Software may be loaded onto City devices if it is licensed and owned by the City and it is approved and installed by a member of the Information Systems Department. Personal hardware and software are not permitted on the City network.
- C. City devices are not to be used for entertainment such as game playing, except as part of formal training programs.
- D. Users are responsible for backing up information stored on local drives to network drives. The Information Systems Department is responsible for backing up information stored on network drives.
- E. Configuration of all City devices shall be determined first by citywide policy and then departmental policy. Only within those parameters is personal preference to be exercised. Information Systems personnel may reconfigure systems and delete unauthorized software and data as needed.
- F. Employees shall not leave their City devices unattended in a state which allows others to inappropriately access records of the City, or otherwise compromises security or confidentiality. It is the employee's responsibility to ensure their devices are not used inappropriately by others. Employees who leave a device unattended must secure it by locking their account, logging off or by using other appropriate means.
- G. Employees shall only use the devices assigned to them by the City, unless prior authorization from the supervisor of the department is obtained.

III. Network Services (Internet and intranet)

- A. Each Department reserves the right to remove any of their employees' access to the network at any time.
- B. The City will provide introductory training for City employees on network services. City employees should receive training before using these services.
- C. City departments shall use the City's Internet websites for all postings and shall not initiate new or separate services outside of the City's designated services without the consent of the City's Information Systems Department or the City Manager's Office. Websites external to the City's official sites must be linked to a sanctioned City site.
- D. City departments shall post information to websites using guidelines set forth in Administrative Directive 32, as amended.
- E. The Information Systems Department is responsible for setting up and managing network services and security.

- F. The following policies are applicable to downloaded information:
1. Information downloaded from the Internet shall be for City work-related purposes only.
 2. Downloaded information including e-mail attachments will be scanned by City-owned software for virus or malware contamination. Some file types will be blocked to protect the network.
- G. Internet broadcast services must be approved by the Information Systems Department.
- H. The City reserves the right, for any reason, to monitor and/or restrict an employee's use of electronic communication systems.
- I. The use of the City's electronic communication systems is a privilege, not a right, and it may be rescinded at any time.
- J. An employee shall not use the City's electronic communication systems for promoting personal gain, outside business activities, political activity, fundraising or charitable activity not sponsored by the City of Escondido.
- K. For security reasons and the impacts on the performance of the City's network, employees shall not use any type of Internet streaming or file sharing technology if the applications are not necessary for City business purposes. This prohibition includes, but is not limited to: streaming audio, streaming video, file sharing, P2P applications, cryptocurrency mining, social media, chat, sports, news, and Internet gaming.

IV. Encryption (Password Protecting Documents Is One Use of Encryption)

- A. Employees shall notify their supervisors of their intent to use encryption and explain how and why they intend to use it.
- B. Data encryption may be used only for the purposes of securing information where the information is part of City business and such encryption is necessary to protect the information according to City requirements for confidentiality.
- C. Employees shall give passwords for all encrypted documents to the employee's supervisor prior to use.
- D. Employees shall provide document passwords or other keys to their supervisor, or the City Attorney or City Manager, immediately upon request.

V. E-mail and Other Electronic Communication

The City of Escondido maintains an e-mail system to facilitate city business operations. The e-mail system, including the equipment and the data stored, are and remain at all times the property of the City of Escondido. As such, all messages created, sent, received or stored in the system are and remain the property of the City. Employees have no right to personal privacy on the City's e-mail system or in electronic communications sent or received on a City device.

For security purposes, passwords are required for all e-mail accounts. The existence of a password is not an assurance of the confidentiality of the communication. The City always has the right to allow authorized City personnel to access messages and files on the City's systems. All messages kept in the e-mail systems are subject to the California Public Records Act and may be subject to public disclosure. E-mail messages may also be discoverable in legal proceedings.

As with any other conduct in the workplace, all electronic communications shall not contain content that may reasonably be considered offensive or disruptive or violate any federal, state, or local law, or any local policy or Directive.

Employees learning of any misuse of the e-mail system as set forth in this directive shall notify their supervisor immediately. Any misuse of the e-mail system can result in disciplinary action.

- A. E-mails, text messages and other similar forms of electronic communication are not intended for permanent storage. E-mail folders will be routinely purged on a minimum 90-day basis by the City's Information Systems Department. Text or similar instant messaging applications should be configured so that messages are only retained for a similar (90-day) timeframe.
- B. If the City is required to maintain any e-mail, text message or other electronic communication as a permanent record, it must be printed out in hard copy for permanent filing, or an electronic file shall be copied, archived and stored separately from ordinary e-mail folders or message logs.
- C. E-mail is not backed-up on a routine or permanent basis. The City stores e-mail only to the degree that allows the City to restore current e-mail in the event of a systems failure.

VI. Public Records

- A. The California Public Records Act states that the public has "the right of access to information concerning the conduct of the people's business, and therefore, ... the writings of public officials and agencies shall be open to public scrutiny." In accordance with the Public Records Act, all writings, including paper and electronic writings, relating to the conduct of the City's business may be subject to public disclosure, even if stored on a personal electronic account.
- B. To avoid searching personal electronic accounts, all official City business should be conducted on official City accounts, unless the writing is copied or forwarded to a City account or retained on a City server. If City business is conducted on a private electronic account, the City may require the official or employee to search their personal account or device and produce public records in accordance with Administrative Directive 5.
- C. Public Records Act requests should be handled in accordance with standard departmental policy and direction, set forth fully in Administrative Directive No. 5.
- D. The City reserves the right for any reason to access and disclose all messages and other electronic data sent over its e-mail system or stored in its files at any time. In addition, the City may require production and disclosure of electronic information

relating to the conduct of the City's business that is stored on a personal electronic account.

- E. The City has the right to delete or retain any or all electronic files, including e-mail and other electronic communication records, of a City employee who is no longer employed by the City.

VII. Confidential Information

Most communication among City employees is not considered confidential. However, certain communications, such as police investigations and personnel records, or attorney client exchanges may be confidential or contain confidential information. Questions about whether communications are confidential should be raised with the employee's supervisor.

- A. Employees shall exercise caution in sending confidential information on the e-mail system as compared to written memoranda, letters or phone calls, because of the ease with which such information may be retransmitted.
- B. Confidential information should not be sent or forwarded to individuals or entities not authorized to receive that information and should not be sent or forwarded to other City employees not directly involved with the specific matter.
- C. Care should be taken in using e-mail to ensure messages are not inadvertently sent to the wrong individual. In particular, exercise care when using distribution lists to make sure all addresses are appropriate recipients of the information. Lists are not always current and individuals using lists should take measures to ensure lists are current.
- D. Confidential information should not be reproduced unnecessarily.
- E. Employees shall return all tangible forms of confidential information to the City upon termination of employment or at the City's request.
- F. Employees who have access to confidential personal information (including, but not limited to, an individual's first or last name, social security number, Driver's License number, Identification number, account number, credit or debit card number) shall not disclose such personal information and shall not access or take such personal information off City premises.
- G. If an employee with access to personal information loses personal data or is aware of release of such personal information, the employee shall immediately notify the Information Systems Department.
- H. Pursuant to state law, the City shall disclose any breach of the security of personal computerized data following the discovery or notification of the breach in the security of personal data to any person whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement.

VIII. Attorney-Client Privileged Communications

Some messages sent, received or stored on the City e-mail system will constitute confidential, privileged communications between the City and its attorneys. Attorney- client communications should not be forwarded without consulting the City Attorney's Office.

IX. Employee Responsibilities

- A. Every employee must be familiar with this policy and must sign the USE OF TECHNOLOGY, ELECTRONIC COMMUNICATION, AND OTHER ELECTRONIC MEDIA CONSENT FORM prior to use of the City's technology and electronic communication systems.
- B. Employees shall not enter or attempt to enter computer files and communications of another individual without the employee's authorization or consent, or the consent of the City Manager's Office.
- C. Suspected or identified security violations shall be reported to the Information Systems Department. Violators may lose access to computing resources and may be subject to disciplinary action.
- D. Employees shall not use remailing services, or use "anonymous" or "aliases" to protect their individual identities while using City information technology systems equipment. This also specifically prohibits the use of VPN, services to hide one's identity online unless configured by Information Systems.
- E. Employees will be required to regularly change their individual passwords. Employees shall not share individual passwords with other individuals except for legitimate City business reasons.
- F. Employees shall not use, or attempt to use, another employee's password without the employee's consent.
- G. All communications should follow proper etiquette, such as:
 1. Materials posted by City employees shall professionally represent the City of Escondido. The transmission of messages which violate Directive 34, the Discrimination/Sexual Harassment Policy, or any other City directives; or messages which disclose personal information without authorization is prohibited.
 2. E-mail messages and electronic postings may be read by people beyond the addressee, and may be produced to the public pursuant to the Public Records Act or to a court in connection with litigation and should be composed accordingly.
- H. Employees shall not send mass electronic mail messages on a citywide basis to all employees unless the subject matter deals with City-related business that needs to be distributed to all employees. Examples of appropriate uses are as follows:
 - Human Resources sending employee information regarding benefits
 - Information Systems sending notice of planned network maintenance
 - Public Works sending notice regarding road closures
 - Departments sending City policy information or City announcements

- Escondido University sending notice of training schedule
- Notice of job announcements

Examples of inappropriate uses are as follows:

- Notice of items for sale (instead, use Intranet citywide announcements via the electronic Swap Meet)
 - Notice of vehicle lights left on (instead, select location where vehicle is parked, i.e., City Hall)
 - Notice of lost and found items (same as for vehicle lights)
 - Saying farewell when leaving the City of Escondido
 - Notice of your upcoming vacation (instead, create a rule)
- I. Employees should carefully consider the names on a mailing list as addressees or copies. Some employees may not want their e-mail addresses to be widely known or to receive responses to widely distributed messages.
- J. Employees should comply with all of the provisions of this policy. Failure to do so may lead to disciplinary action up to and including termination.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION		DATE: 12-29-20	NO: 1.45 ADMINISTRATION
TO:	ALL PERSONNEL	SUBJECT:	CCW PROCEDURES FOR RESERVE OFFICERS WHEN OFF DUTY
ORIGIN:	CHIEF OF POLICE	RETAIN:	UNTIL FURTHER NOTICE

This Department Instruction supersedes Department Instruction 1.45, dated April 16, 2013.

I. PURPOSE

The purpose of this Instruction is to establish procedures authorizing qualified reserve officers to carry concealed weapons (CCW) while off duty.

II. AUTHORITY

- A. The Department may establish policies with respect to when and how a reserve officer may carry a concealed weapon off duty. Those policies should consider an officer's knowledge, skills, training, and experience as well as the officer's individual safety. See also Department Instructions ("DI Manual") 1.2B Equipment and Weapons, 1.24 Use of Force, 1.5 Use of Firearms and Rules and Regulations, and Escondido Police Department Reserve Unit Policy Manual, Instruction No. 3.9, Concealed Weapons.
- B. Reserve officers have different levels of police authority as specified in the Penal Code. See Penal Code Sections 830.6(a)(1) and 832.6(a)(1)-(3). There are three "Levels" of reserve police officers and each level has been authorized to perform different functions while on duty, based upon the level of training at each level. Only Level I (Level One) reserve officers who have successfully completed the Department FTO training have peace officer status while off-duty. These Level I officers become "Designated" pursuant to Escondido City Ordinance 2020-05 after completing the field training program and are referred to as Level ID (Level One "D") reserve officers. Level II (Level Two) and Level III (Level Three) reserve officers have peace officer status only during the duration of their duty assignment and do not have police officer status while off-duty. See also Escondido Police Department Reserve Unit Policy Manual, Purpose of the Reserve Officer (What Can They Do?) for further details.
- C. Concealed Weapons Permitted Off-Duty by Federal Law (If permitted to carry under Department policy, no state CCW permit required, but a CCW is recommended). All reserve officers (Levels I, II and III) meet the definition of "qualified law enforcement officer" and "qualified retirement law enforcement officer" under the Federal Law Enforcement Officer Safety Act of 2004 as amended (Chapter 44 of title 18, United States Code, Sections 926B and 926C) ("LEOSA"). Reserve officers who are authorized by the Department to carry a firearm, are in compliance with applicable Department policies, and meet the LEOSA individual standards may legally carry concealed weapons off duty, in all U.S. jurisdictions and territories, without the need for a concealed weapons permit. Some Level III reserve officers

may not have received academy firearms training and may not be authorized to carry a weapon while on duty. Such Level III reserve officers would not be permitted to carry a firearm while off-duty under this policy.

- D. Limitations on LEOSA. Law enforcement officers who meet the requirements of LEOSA are not required to abide by any state or local law regarding the carrying of concealed firearms except under two circumstances. LEOSA carry does not supersede the laws of any state that:

1. Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
2. Prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park.”

Furthermore, LEOSA has no effect on federal laws concerning the carrying of concealed firearms, typically on federal property such as courthouses and other federal buildings, parks and other federal facilities. Those laws still apply despite LEOSA. Under the Federal Gun Free School Zone Act, firearms may not be carried in school zones unless the person has a concealed weapon permit from California (LEOSA is not sufficient).

Reserve officers (especially those who do not have peace officer status when off-duty) must keep these limitations in mind and secure their firearms appropriately before entering such restricted areas.

- E. Recommend obtaining a CCW in addition to the right to carry under LEOSA. While a CCW permit is not required to carry a firearm off-duty in many places due to the availability of LEOSA, school zones present a challenge under federal law. There does not appear to be an off-duty peace officer exemption under this law. However, a CCW provides an exemption from the Federal Gun Free School Zone Act (GFSZA) in the state where the CCW is issued. Accordingly, it is recommended that all officers have a CCW if they plan to carry in school zones while off-duty.

1. Federal legislation has been proposed on February 13, 2019, to remedy this issue by Republican Senator Don Bacon of Nebraska. See HR 1156 – 116th Congress: LEOSA Reform Act.”
(<https://www.govtrack.us/congress/bills/116/hr1156>)
 - a. Unless and until LEOSA is amended it is recommended that police officers obtain CCW permits to comply with the Federal Gun Free School Zone Act if weapons are to be carried in a school zone while off-duty.
2. California’s Gun Free School Zone Act, Penal Code Section 626.9, contains exemptions for honorably retired peace officers and reserve officers under subsections “(o)” and “(p)”. However, this does not affect federal law and it is

recommended that the officers obtain a CCW to avoid problems with violating federal law in school zones.

- F. Chapter 44 of title 18, United States Code, section 926B, defines a “qualified law enforcement officer” as a person who:
1. Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
 2. Is authorized by the agency to carry a firearm;
 3. Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;
 4. Meets the standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
 5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
 6. Is not prohibited by federal law from receiving a firearm.
- G. Chapter 44 of title 18, United States Code, section 926B, subsection (d) states: The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

III. POLICY

- A. When in an off-duty status, reserve officers meeting the eligibility requirements set forth below, may carry a concealed firearm. Officers are required to carry their badge and identification when armed.
- B. Contemporary society, the legislature, the judiciary, and the Department place a greater value on the preservation of life than on the apprehension of criminal offenders. For this reason, the Department considers firearms to be defensive weapons, to be used only when necessary to protect human life or in the rare situations to apprehend fleeing felons. The use of a firearm is in all probability the most serious act a law enforcement officer will engage in. It is, therefore, imperative that they act not only within the boundaries of legal guidelines, good judgment and accepted practice, but that they also be prepared by training, leadership and direction to act wisely whenever use of a firearm is necessary in the course of their duties. (See Department Instruction 1.5.)

IV. ELIGIBILITY REQUIREMENTS

Reserve officers who have met the following criteria are authorized by the Chief of Police to carry a concealed firearm while off duty.

- A. Have completed the appropriate POST academy training requirements.
- B. Have successfully completed a minimum of 70 hours of academy firearms training (or the applicable POST hours requirement for firearms if different).
- C. Have successfully completed the Escondido Police Department's Field Training Program for reserve officers. See Escondido Police Department Reserve Unit Policy Manual, "Training of Reserve Officers" for different levels of field training permitted for different levels of reserve officers.
- D. Have met all range requirements set forth in Escondido Police Department Instruction 1.2B Equipment and Weapons.
- E. Have passed a written test on Escondido Police Department's Use of Force policies (D.I. 1.24 and D.I. 1.5).
- F. Have met the requirements of Chapter 44 of title 18, United States Code, section 926B, and all related subsections.

V. CONDITIONS AND RESTRICTIONS

- A. While carrying a concealed weapon, the officer shall not:
 - 1. Consume any alcoholic beverages.
 - 2. Be under the adverse or inhibiting influence of any medication, drug, or alcohol.
 - 3. Refuse to show police identification or surrender the weapon to any police officer on demand.
 - 4. Knowingly violate applicable law.
 - 5. Impede any police officer in the lawful performance of his/her duties.
 - 6. Unjustifiably display any weapon.
- B. Reserve officers not meeting the minimum service or training standards set forth in section IV and VI of this instruction will be subject to having their authorization to carry a concealed firearm suspended or revoked by the Chief of Police until such time they comply with the minimum requirements listed.
- C. Reserve officers not meeting the eligibility requirements set forth in section IV are

expressly prohibited from carrying a concealed weapon while off duty pursuant to this policy. This restriction does not apply to reserve officers who independently obtain a CCW permit through the County of San Diego as a citizen and carry a concealed weapon under the authorization of that permit.

VI. TRAINING

- A. Firearms to be carried by reserve officers in compliance with this Instruction must be inspected and certified by the Department's rangemaster. The reserve officer must qualify with all off-duty or backup weapons annually.
- B. Additionally, reserve officers will be required to demonstrate their proficiency and knowledge of the Department's Instructions on "Use of Firearms" and "Use of Force."

VII. EQUIPMENT

- A. All firearms, ammunition, and holsters must be inspected and approved by the rangemaster.
- B. All off-duty and backup weapons will be carried in a secure manner concealed from view of the public.
- C. All officers will carry their badge and police identification at all times while carrying a concealed weapon.
- D. All costs associated with carrying a concealed weapon are the responsibility of the reserve officer.

VIII. REPORTING AND INVESTIGATION OF SHOOTING INCIDENTS

Escondido Police Department Instruction 1.5 (Use of Firearms; Reporting and Investigation of Shooting Incidents) will apply.

IX. SUMMARY

An Escondido Police reserve officer's authorization to carry a concealed firearm while off duty may be suspended or revoked by the Chief of Police pursuant to this policy. Any violation of this policy by a reserve officer may result in discipline, up to and including termination.

Related Department Instructions:

1.2B
1.24
1.5

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 07-21-25	NO: 1.46 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: USE OF "SPECIALTY" MUNITIONS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.46, dated April 20, 2022. Cross reference: Department Instruction 1.24, Use of Force and Use of Force Review Committee, and Department Instruction 1.6, Use of Chemical Agents.

I. PURPOSE

To establish policies and procedures regarding the use of "specialty" munitions.

II. GENERAL

A. For the purpose of this Department Instruction, "specialty" munitions will include:

1. Less-lethal impact and chemical agent munitions; those delivered by "Pepperball," 12 gauge shotgun and 40 mm delivery systems (also known as kinetic energy projectiles);
2. Frangible slugs (Door breaching rounds);
3. Light-sound diversionary devices (Flashbangs);
4. Applied explosives for breaches or diversion.

B. These "specialty" munitions are valuable tools used to de-escalate volatile situations and minimize the risk of violent encounters. Their use has enabled police personnel to safely and effectively manage many critical incidents, thus avoiding injury to police officers and members of the public.

III. TRAINING

- A. All officers are required to meet the Department-approved training requirements as prescribed for the "specialty" munition being used prior to deployment of such munitions.
- B. Officers should complete proficiency training every year. The Training Manager is responsible for impact munition training and documentation. All other "specialty munitions" training is the responsibility of the SWAT and Mobile Field Force Commander(s).
- C. Training of "specialty" munitions shall include the guidelines set forth under California Penal Code section 13652.

IV. AUTHORIZED USE - POLICY

A. Persons Authorized to Utilize “Specialty” Munitions

1. Only personnel who have successfully completed Department-approved training in the proper use and deployment of each specific “specialty” munition shall be authorized to deploy them during actual operations.

B. Authorization for Use

1. Except in emergencies, “specialty” munitions should not be used without prior authorization of the on-scene supervisor or the Incident Commander at the scene of a critical incident.
2. Impact munitions are force options that may be used to control an assaultive subject, and are considered an intermediate use of force.
3. The use of “specialty” munitions, when addressing an armed person, should not be considered except in conjunction with other force options, or circumstances where an officer has adequate “lethal cover” and can safely deploy this use of force option.

C. Except as provided below, kinetic energy projectiles shall not be used to disperse any assembly, protest, or demonstration. Chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and only in accordance with the guidelines set forth under California Penal Code section 13652(b) as listed below.

1. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
2. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
3. Persons are given an objectively reasonable opportunity to disperse and leave the scene.
4. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical

agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.

5. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
6. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
7. An objectively reasonable effort has been made to extract individuals in distress.
8. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
9. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
10. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
 - a. A violation of an imposed curfew.
 - b. A verbal threat.
 - c. Noncompliance with a law enforcement directive.

D. Justification for Use

1. Generally, “specialty” munitions should be considered for deployment anytime their use could reduce the risk of injury and facilitate the apprehension of suspects.
2. Circumstances justifying the use of “specialty” munitions shall include, but not be limited to:
 - a. Subjects armed with improvised or unconventional weapons;
 - b. Barricaded suspect and/or hostage situations;
 - c. High-risk warrant services;

- d. Circumstances wherein the use of “specialty” munitions could facilitate in the apprehension of violent persons, including those who may be mentally unstable or under the influence of alcohol and/or drugs;
- e. Situations wherein the authorizing officer/supervisor deems their use necessary to safely resolve the incident;
- f. Riot/civil unrest.

E. Guidelines for use:

- 1. 12 gauge and 40 mm impact munitions:
 - a. Only certified officers will use the currently approved Department munitions.
 - b. Officers will aim at those areas which are considered less lethal strike areas avoiding the head, neck, spine, groin and heart areas. Ideally, the best areas to strike are the hip and extremity areas.
 - c. Time permitting and prior to deployment, officers should verify their weapon is completely empty and have it confirmed by a supervisor or other “impact munitions” certified officer. That supervisor or officer will also verify the proper impact munitions rounds are loaded into the weapon by double checking the color, make, and model numbers stamped on the outside of each cartridge loaded into the weapon. The deploying officer should completely load the weapon with impact munitions.
 - d. To avoid sympathetic gunshots in response to a deployment of impact munitions, it will be the responsibility of the on-scene supervisor to notify all officers that impact munitions may be used. In the absence of a supervisor, it will be the responsibility of the officer who deploys with the impact munitions to notify all on scene that impact munitions have been staged.
 - e. Time permitting, all officers deployed with “specialty” munitions shall have a cover officer assigned to them capable of deploying lethal force if necessary.
 - f. Persons struck with an impact munition shall be assessed for injuries and provided first aid and the earliest practical moment, be medically evaluated at a hospital and receive a medical release.

2. “Pepperball” Equipment:

- a. Only officers certified to use the “Pepperball” launcher will be allowed to deploy in the field with it. The authorized Pepperball launchers include the TAC-SA PRO (721-03-0006) and the TAC-SA PRO PLUS (721-03-0006).

- b. The strike areas of the “Pepperball” projectiles are typically the chest region in order to facilitate the maximum effectiveness of the PAVA/O.C. powder on the respiratory system and eyes. Officers should not aim at the head, neck, groin, or spine.

PAVA is a synthetic capsaicinoid — chemically related to capsaicin, the active component in chili peppers that causes the burning sensation.

- c. Pepperball Technologies does not require the operator to be a minimum distance away from their intended target when deploying Pepperball rounds. However, the Escondido Police Department recommends officers attempt to remain at least three feet (end of barrel to target) away from the intended target unless circumstances dictate otherwise. This recommendation is based on the following reasons: better retention of the launcher, less likelihood of officer contamination of PAVA, and possible malfunctions to the Pepperball launcher.

The maximum range for a Pepperball projectile is 60 feet for direct impact and 150 feet for area saturation.

- d. When deploying the Pepperball launcher (TAC-SA PRO and TAC-SA PRO PLUS) at an incident, the officer will conduct the following steps.

- (1) Ensure safety is on
- (2) Ensure the air tank pressure gauge reads between 2000 and 3000 PSI
- (3) Load Hopper
- (4) Cock the hammer back
- (5) Turn the air tank lever on/off switch to the on position
- (6) Keep the launcher on safe until ready to deploy

- e. Time permitting, all officers deployed with the Pepperball launcher should have a lethal cover officer assigned to them capable of immediately deploying lethal force.

- f. To avoid sympathetic gunshots in response to a deployment of impact munitions, it will be the responsibility of the on-scene supervisor to notify all officers that impact munitions may be used. In the absence of a supervisor, it will be the responsibility of the officer who deploys with the impact munitions to notify all on scene that impact munitions have been staged.
- g. Decontamination
 - (1) Decontamination measures for PAVA/O.C. exposure should be undertaken as soon as practical.
 - (2) Decontamination measures may include exposure to fresh air, flushing contaminated areas with copious amounts of water, and removing contaminated clothing. Refer to Department Instruction 1.6 for O.C. decontamination.

V. DOCUMENTATION AND REPORTING REQUIREMENTS

- A. Any usage of a “specialty” munition on an individual will be documented in the appropriate report. Photographs should be taken of the individual regardless of injuries. Refer to reporting requirements found in Department Instruction 1.24, Section VIII USE OF FORCE REPORTING.
- B. All reports which document a use of force against a person shall be flagged in RMS with a “Use of Force” Special Studies code.
- C. The Department shall follow the reporting requirements set forth under California Penal Code section 13652.1 when qualifying “specialty” munitions are used for purposes of crowd control.

VI. REVIEW PROCESS

- A. The SWAT and Mobile Field Force (MFF) Commanders are responsible for reviewing the use of “specialty” munitions as deployed on SWAT or MFF missions. The review will encompass adherence to policy and whether the munitions functioned as expected.
- B. The Use of Force committee will review all other instances of “specialty” munition deployments.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-17-20	NO: 1.47 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: CHAPLAINCY PROGRAM	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.47 Administration, dated July 22, 2014.

I. PURPOSE

To establish the duties, responsibilities and procedures governing the appointments, direction, and control of Police chaplains.

II. CHAPLAINCY PROGRAM

There shall be a minimum of five chaplains and a maximum of eight chaplains to serve the Department's needs. Any changes in the number of chaplains shall be with the approval of the Chief of Police.

III. ROLE AND RESPONSIBILITIES

A. Chaplains shall be used on an on-call basis to accomplish the following:

1. Become familiar with and develop rapport with Departmental employees to be able to identify personal problems and offer timely counsel.
2. Become familiar with on-duty problems confronting field officers by securing ride-alongs through the on-duty watch commander or sergeant.
3. Visit, counsel, and comfort employees and their families concerning family, social, moral, employment, or personal affairs. Available to facilitate support groups or religious studies.
4. Nurture positive relations between the Police Department and the community.
5. Assist officers when requested in situations such as death scenes, D.O.A.s at traffic accident scenes, family disputes, and other forms of trauma.

B. Chaplains shall conduct themselves in keeping with the dignity and ethics of the ministry.

C. Chaplains should serve a minimum of 10 hours per month in some related Police function or duty.

IV. COMMAND AND CONTROL OF THE CHAPLAINCY PROGRAM

- A. The Police Chaplaincy Program shall be administered by a coordinator designated by the Chief of Police.
- B. The chaplain liaison officer shall be responsible for such administrative matters as:
 - 1. Scheduling the monthly chaplaincy meetings.
 - 2. Keeping the chaplains informed of current Departmental policies and activities.
 - 3. Coordinating special in-service training classes, when necessary.
 - 4. Submitting monthly activity reports to the Chief of Police concerning activities in which chaplains were involved while on duty.

V. UTILIZATION OF CHAPLAIN SERVICES

- A. When assistance is required, Department personnel may communicate directly with the chaplain of their choice, or, if non-specified, the lead chaplain.
- B. If a chaplain is requested, Dispatch will first notify the lead chaplain by telephone. If the lead chaplain is unavailable, another chaplain should be called.
- C. Chaplains may be called to and/or utilized at crime scenes or on other traumatic calls where it may be beneficial to the officer in calming a situation or providing temporary assistance to a victim/witness. Chaplains are not to be left alone at any scene, for any reason.
- D. Personnel desiring the services of a chaplain for a special event shall submit a written request to the Police Chaplaincy Program Coordinator no less than two weeks before the scheduled event. The request shall include the date, time, location, and the nature of the event.
- E. The Police Chaplaincy Program Coordinator shall routinely inform the chaplain(s) of illness and deaths of Department personnel or their family members.

VI. UNIFORM REGULATIONS

- A. The Chief of Police authorizes Class A uniforms for wear by police chaplains at formal events only. The Class A uniform will comply with standards set forth in Department Instruction 1.2, section IV, A with this exception: A chaplain's rocker will be displayed above the shoulder police patches. Chaplain badges will be worn with the Class A uniform or authorized police chaplain's jacket only.

- B. Uniform jackets for police chaplains shall display “Chaplain” above the police patches and over the left breast pocket. The chaplain’s badge may be worn with the service uniform jacket. See Department Instruction 1.2, Uniforms, for further information on other authorized uniforms.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-06-21	NO: 1.48 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: CRITICAL INCIDENT DEBRIEFING PROTOCOL	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.48, dated December 21, 2018.

I. PURPOSE

The purpose of this Instruction is to establish Department policy regarding critical incident debriefings.

II. DEFINITIONS

- A. Critical/ Traumatic Incident: Normally a single incident that contributes to the experience of an atypical psychological reaction, such as an officer-involved shooting or any police action that results in death or injury to police personnel or citizens.
- B. Critical Incident Debriefing (CID): A confidential psycho-educational intervention designed to inform persons who have experienced a traumatic incident of the psychological and physiological effects of stress and to delineate effective coping strategies. It is normally a group meeting facilitated by Psychological Services and attended by all police personnel directly involved in the incident. Individual CIDs may be conducted instead of, or in addition to, group CIDs.

III. PROCEDURES

- A. Upon being notified of a critical/traumatic incident, the Watch Commander or member of Command Staff will notify the Bureau Captain (at the earliest convenience), Peer Support, and CID provider.
- B. The Watch Commander/Command Staff will call-out the CID provider to the incident as appropriate or arrange for a convenient meeting place other than the scene within a reasonable amount of time.
- C. Within a reasonable amount of time of a critical/ traumatic incident, Peer Support and the appropriate command staff will assess the need for conducting a Critical Incident Debriefing. A Department member will contact the CID provider to schedule the CID.
- D. The CID provider will schedule follow-up counseling sessions as needed.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-21-18	NO: 1.49 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: LINE OF DUTY DEATH NOTIFICATION POLICY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.49, dated December 19, 2007.

I. PURPOSE

The purpose of this policy is to direct the Escondido Police Department to provide proper emotional care for the deceased officer's family. This shall include guidelines for the death notification and for the funeral and/or wake. It should be remembered that the funeral arrangements are to be decided by the FAMILY, with their wishes taking precedence over the agency.

II. POLICY

It shall be the responsibility of the Escondido Police Department to provide liaison assistance to the immediate survivors of an officer who dies in the line of duty, whether feloniously or accidentally, while an active member of the Department, to include the clarification and comprehensive study of survivor benefits and to provide tangible and intangible emotional support during this traumatic period of readjustment for the surviving family.

III. DEATH NOTIFICATION

- A. The name of the deceased officer SHALL NOT be released to the media before immediate survivors living in the area are notified.
- B. If there is knowledge of a significant medical problem with an immediate survivor, medical personnel will be dispatched to the residence and stand by until released by the notifying officer.
- C. Notification SHALL BE made in person and never alone. The Chief of Police (or representative) or a member of the Escondido Peer Support Team should act as the informing officer.

Keep in mind, however, that if the above personnel are not readily accessible, notification should not be held up until these people can gather. If the opportunity to get the family to the hospital prior to the demise of the officer presents itself, DON'T wait for the appropriate delegation to gather. If time allows, the officer's peer support packet should be checked for special instructions.

Realize that as soon as most public safety families see you, they will know something is wrong. Ask to be admitted to the house. NEVER make a death notification on the doorstep. Gather everyone in the home and ask them to sit down. Inform them slowly and clearly of the information you have on the incident. Make sure you use the officer's name during the notification.

If the officer has already died, relay that information. NEVER give the family a false sense of hope. Use words like “died” and “dead,” rather than “gone away” or “passed away.”

If the person responsible for the death notification is seriously affected by the death, he/she should understand that showing emotion is perfectly acceptable.

NOTE: Reactions from the family may include hysteria, anger, fainting, physical violence, shock, etc.

- D. If the family wants to go to the hospital, they should be transported via Department vehicle. It is highly recommended that the family NOT drive themselves to the hospital. Should there be serious resistance and the family insists on driving, offer to have an officer accompany them in the car.

The Department should find out if there are young children in the home. Peer Support members will be responsible for arranging baby-sitting needs.

Because of the nature of possible radio transmissions, the officer making the transport should notify Dispatch and switch to repeater or another designated frequency while en route.

Surviving parents will be afforded the same courtesy of personal notification if they live in the area.

- E. If the immediate survivors are from out of town, request PERSONAL death notification from the local public safety agency in that area.

IV. ASSISTING THE FAMILY AT THE HOSPITAL

- A. An Emergency Room Liaison (E.R.L.) should be appointed to act as an information liaison for medical personnel to the family of the officer and fellow police officers. If it is possible for the family to visit their officer prior to death, they most certainly should be afforded that opportunity. IT IS THE FAMILY’S RIGHT to visit their loved one. The E.R.L. should “prepare” the family for what they might see in the emergency room and accompany the family into the room for the visit if the family requests it. DO NOT BE OVERLY PROTECTIVE OF THE FAMILY.
- B. The E.R.L. will see that the family is updated on the incident as soon as the family arrives at the hospital.
- C. Peer Support members will be present at the hospital and should arrange to assist the family at that time.
- D. Chaplains are available to assist and should be considered if appropriate.
- E. The people who made the initial notification should be among those at the hospital.
- F. Officers should not make idle promises to the family.
- G. Peer Support members will arrange for transportation of the family back to their residence or temporary residence if the family is from out of town.
- H. The E.R.L. will be responsible for arrangements of the medical bills relating to the services rendered to the deceased officer, to be sent to the appropriate governmental

agency for payment. The family should NOT receive any of these bills at their residence.

V. SUPPORT FOR THE FAMILY DURING AND AFTER THE FUNERAL

- A. Peer Support members will act as the liaison officer/s during the funeral. Although the liaison officer/s should know the deceased officer and be aware of the family relationships, the officer should not be so emotionally involved with the loss that he/she would become ineffective. The liaison officer must know that THIS IS NOT A DECISION-MAKING POSITION. This is a role of FACILITATOR between the family and the Escondido Police Department. The liaison officer will:
1. Ensure that the needs of the family come before the wishes of the Department.
 2. Meet with the family and tell them what his/her responsibilities will be during this time.
 3. Meet with the family regarding funeral arrangements. Since most officers have not prearranged their wishes for the handling of their own funeral, the family will most likely need to decide all aspects of the funeral. The Department should make the family aware only of what they can offer in the way of assistance, if the family decides to have a public "line-of-duty" funeral.
 4. Know all information concerning the death and the continuing investigation to answer family questions.
 5. See that the surviving parents are afforded recognition and have the proper placement arranged for them during the funeral.
 6. See that the family is briefed on the funeral procedure; e.g., 21-gun salute, presentation of the flag, playing of taps, etc.
- B. A commanding officer/public information officer will be assigned to handle the media throughout the funeral. In the unlikely event that the family should decide to accept an interview, this officer will attend and assist the family so as not to jeopardize any possible upcoming legal proceedings.
- C. The Escondido Police Department will assign an officer to assist the family with meal and lodging arrangements if attending from out of town. Department vehicles will provide transportation, if desired, to and from the funeral.
- D. Peer Support members will provide the family with information about public safety survivors of support groups: Concerns of Police Survivors (573-346-4911), Survivors of Homicide Victims (860-257-7388), and Parents of Murdered Children (513-721-5683).
- E. The Escondido Police Department will send Peer Support members on routine residence checks to the survivor's home after the funeral. These officers should ascertain from the survivor if any harassing phone calls or other illegal/harassing contacts have been made and report that information back to supervision.

VI. PROVIDING INFORMATION AND ASSISTANCE ON BENEFITS TO THE SURVIVING FAMILY

- A. An Escondido Police Association member or an officer appointed by the Chief of Police will gather information on benefits/funeral payments available to the family. This officer will have the full support of the Department to ensure that ALL death benefits/payments are handled. This officer should assist in filling out the paperwork and follow through to ensure that benefits are being received.
- B. The officer should inquire about children from a former marriage. The guardian of those children should also receive information of what benefits the children will receive.
- C. If criminal violations surround the death, the family will be informed of all new developments prior to any press release.
- D. If there are not any court proceedings surrounding the circumstances of the officer's death, the Department will, at its earliest convenience, relay all details of the incident to the family.
- E. The Chief and other officials should be highly visible during these days so as not to appear to be "abandoning" the family.
- F. Any plaques/memorabilia given to the spouse will also be given to the parents.

VII. LIST OF BENEFITS FOR FAMILIES

A. Public Safety Officers' Benefit Act

The Act provides a monetary benefit to the eligible survivors of a public safety officer killed in the line of duty. Contact: Benefits Office, Bureau of Justice Assistance, 810 Seventh Street NW, Washington D.C. 20531.

B. Social Security

Escondido Police officers are NOT in the federal social security system. However, if the officer paid into the system prior to Escondido employment, he/she could be eligible for benefits. The benefits are based on "earned credits." The number and type of credits vary. A claim must be filed at any Social Security office. The nearest office is located at 367 Via Vera Cruz, San Marcos, CA 92078. The phone number is 800-772-1213.

C. State of California (Workers' Compensation)

State Workers' Compensation Law (Labor Code) provides death benefits for surviving dependents. The benefits shall be paid in weekly installments to minor children and "dependent spouses" until exhausted. "Dependent" means, if the spouse earned \$30,000 or less in the prior 12 months, he/she is deemed a "total dependent." If he/she earned more, he/she would be a "partial dependent" and receive lower payments. Minor children are assumed to be "total dependents." Contact Risk Management at City Hall for current monetary benefits.

D. Public Employees Retirement System (PERS)

Escondido Police officers have contracted for “Level 4” Survivor Benefits through PERS. The monthly payments are based on the number of dependents. Contact CalPERS at (888) 225-7377, 7676 Hazard Center Dr, San Diego, CA 92108.

E. City of Escondido

All EPOA sworn bargaining group members are covered by a life insurance policy. The policy is underwritten by the Hartford. Contact Risk Management at City Hall for further information.

F. Escondido Police Officers’ Association

If the officer was a member of the EPOA sworn bargaining group and had not reached the 20-year mark, the surviving family would be eligible for the entire \$4,000 retirement benefit, regardless of number of years worked. Contact the POA president or any board member.

G. Escondido City Payroll

The surviving dependents would be entitled to the unpaid portion of wages in current pay period already worked, unused vacation, comp, and holiday pay. Contact Finance Department-Payroll at City Hall.

H. PORAC Long-Term Disability

All sworn EPOA members are covered under Myers-Stevens and Co., Inc. for long-term disability. Myers-Stevens also has a death benefit. Please contact an EPOA board member for current rates.

I. Educational Benefits

Dependents of officers are entitled to scholarships that provide payments for books, supplies and subsistence for four years. There are certain eligibility requirements. Contact the Law Enforcement Personnel Dependents Grant Program (LEPD) at, California Student Aid Commission, Specialized Programs, P.O. Box 419029, Rancho Cordova, CA 95741, or at 1-888-224-7268, for specific compensation.

J. Personal Life Insurance

Inquire if the officer had any life insurance policies through private companies. Inquire if there were any credit life policies on any loans, mortgages or credit cards. If the officer was a member of the National Rifle Association (NRA), he/she may be covered under that association’s plan.

K. Veterans’ Benefits

If the officer was a military veteran, the family may be entitled to funeral expenses or a burial plot allowance. Also, some veterans may have purchased Veterans’ Group Life Insurance (VGLI) or Servicemen’s Group Life Insurance (SGLI). Contact the Veterans’ Center in San Diego for more information.

L. Other Benefits

Inquire with the surviving spouse or other family members that might have knowledge of any other possible insurance policies or benefits that the family might be entitled to. There are numerous professional, social, and fraternal organizations that the officer might have been a member of that have benefits.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION		DATE: 02-17-22	NO: 1.50 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: RACIAL AND IDENTITY PROFILING ACT (RIPA)		
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE		

This is a new Department Instruction.

I. PURPOSE

The purpose of this Department Instruction is to provide specific guidelines to officers when reporting stops according to the requirements set forth in Assembly Bill 953, “The Racial and Identity Profiling Act of 2015,” commonly referred to as RIPA.

II. BACKGROUND

On or before January 1, 2022, the Department is required to begin collecting data on all stops conducted by peace officers within the Department. Commencing on or before April 1, 2023, the Department is required to report annually to the California Attorney General data on all stops conducted by peace officers within the Department during the preceding calendar year (Govt. Code 12525.5).

III. DEFINITIONS

- A. Peace Officer (officer) – Any sworn member of the police department.
- B. Stop – Any detention by a peace officer of a person; or any peace officer interaction with a person in which the officer conducts a search.
- C. Detention – A seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.
- D. Search – A search of a person’s body or property in the person’s possession or under his or her control, and includes a pat-down search of a person’s outer clothing as well as a consensual search.
- E. Personally Identifying Information – Information that is reasonably likely to reveal the identity of an individual person.
- F. Unique Identifying Information – Personally identifying information, the release of which, either alone or in combination with other data reported, is reasonably likely to reveal the identity of the individual officer who collected the stop data information.

IV. POLICY

- A. Officers shall complete a RIPA report in the Veritone application on all qualifying stops as defined in, and in accordance with, the California Code of Regulations, Title 11 - Law, Division 1 - Enforcement, Chapter 19 - Regulations.
- B. Officers shall complete all stop reports for stops made during his or her shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable.
- C. Unique or Personally Identifying Information shall not be included in any stop report.
- D. The Department shall not release to the public the officer's I.D. number or Unique Identifying Information.
- E. Supervisors should review the Veritone application on a routine basis to ensure stop reports are submitted and approved in a timely manner.
- F. The Department shall perform routine audits to ensure qualifying stops are being properly documented and submitted for approval as required by law.
- G. Stop data shall not be submitted to the Department of Justice without express consent from the Chief of Police.
- H. The Department shall keep a record of its source data for a minimum of three (3) years, and shall make this data available for inspection by the California Attorney General or California Department of Justice should any issues arise regarding the transfer of data.

V. TRAINING

All officers shall be trained in the collection of data and reporting requirements set forth in AB 953.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 10-07-21	NO: 1.51 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: USE OF RECORDING DEVICES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.51, dated August 26, 2020

I. PURPOSE

This Instruction establishes policy and procedures for the use of portable digital recording devices and the storage of captured video, photographs, and audio.

II. GENERAL

Digital recording devices are valuable tools for law enforcement officers to capture audio, photographs, and video of their activities and to gather evidence during the performance of their law enforcement duties. The devices also provide an effective training and self-evaluation resource for individual officers and their supervisors. California Penal Code section 633 recognizes that a law enforcement officer, when acting within the scope of his/her authority, may record any communication that can be lawfully overheard.

III. DEFINITIONS

- A. Confidential Communication – any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto, but excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.
- B. Evidentiary data – a recording of an incident or encounter that could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, a use of force, or a confrontational encounter with a member of the public.
- C. Digital Recording Device – any portable equipment designed or used to capture audio, photographs, or video in an electronic format such as body video cameras, audio recorders and smart phones.
- D. Non-evidentiary data – a recording that does not necessarily have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities the officer might perform while on duty.

- E. Uniformed Officers – All Department personnel in marked uniform attire including Sworn Officers, Reserve Officers, Community Service Officers, Custody Transport Officers, and plain clothes officers when wearing the load-bearing vest or other tactical equipment with police insignia who are issued Department digital recording devices.
- F. Video Administrator – A supervisor(s) designated by the Chief of Police to maintain digital recording equipment and digital video files, provide training to equipment users, and manage the retention, dissemination and deletion of digital recordings.

IV. POLICY

- A. While on duty, and while traveling to and from home in a marked vehicle, uniformed department personnel shall have their body-worn camera powered on at all times except when utilizing restroom facilities, or when inside Police and Fire Headquarters for extended periods of time when no public interaction is taking place.
- B. Training & Use
 - 1. Only digital recording devices issued or approved by the Department shall be used. In exceptional circumstances, an officer may use a personal recording device in the course and scope of his/her duties, but any information recorded shall be retained following the same procedures provided for City-issued equipment.
 - 2. Officers shall receive training in the use, care and maintenance of portable digital recording devices.
 - 3. Officers should ensure that their issued digital recording devices are properly charged and that there is sufficient available memory at the beginning of their shift.
 - 4. All video recordings shall be started and stopped utilizing the “event” button. Under no circumstances shall a video be terminated by switching the body-worn camera to the “off” position.
 - 5. Digital video recording devices shall be worn in a manner that maximizes the recordable viewing area and shall be sufficiently anchored to prevent loss of the device.
 - 6. Officers shall only use Department-issued digital recording devices in the course and scope of their authority as a law enforcement officer.

7. The current digital video recording system does not allow officers to delete any recorded data. Only designated video administrators may delete data, following guidelines established in this policy.
8. Officers shall have discretion in notifying the public that their body-worn camera is activated.
9. Employees shall report any loss, damage or technical problems with their body-worn camera to their immediate supervisor, and arrange for a replacement as soon as practical.

C. Recording Policy

1. Uniformed officers shall activate their issued digital recording device prior to arriving on scene or prior to making contact with the public, when participating in the following scenarios:
 - a. Responding to radio calls, except for routine property report calls.
 - b. Covering another City employee or law enforcement officer, including, but not limited to, CSOs and Parking Enforcement Officers during an enforcement contact.
 - c. Citizen contacts such as traffic stops, pedestrian stops, and field interviews.
 - d. During the execution of a search or arrest warrant, Fourth Amendment waiver search, and other contacts that may lead to an arrest.
 - e. Arrests or incidents where force is likely to be used.
 - f. Upon initiating or joining a vehicle pursuit.
 - g. Suspect, victim and witness interviews on felony crimes.
 - h. Upon arrival at a collision scene, and while obtaining statements and evidence.
 - i. Upon initiating or joining a foot pursuit.
2. Exceptions to digital recording policy.
 - a. SWAT team members will follow specific guidance in the SWAT manual.

- b. Plain clothes officers working undercover or on sensitive assignments are exempt from this policy.
- 3. Officers may stop their recording when the officer believes the event will not produce evidentiary data, or when a citizen requests to remain anonymous.
- 4. Officer safety remains paramount. Activation of any digital recording device shall not divert the officer's attention from the task at hand. There may be circumstances when events occur so quickly that an officer does not have time to properly activate the recording device.

D. Prohibitions

- 1. Officers shall not record any confidential communication between a person in custody and his/her attorney, a medical provider or a member of the clergy.
- 2. It is the discretion of an informant's assigned detective or SID sergeant to determine the appropriateness of recording an informant.
- 3. Officers shall not record any confidential communication between Department personnel without the prior knowledge and consent of all persons recorded. But this prohibition shall not limit a law enforcement officer's authority to record any communication otherwise allowed under state or federal law.
- 4. Officers shall not use Department-issued digital recording devices for personal use.
- 5. Officers shall not tamper with or dismantle any hardware or software component of any digital recording device.
- 6. Officers shall only save recorded data on Department-authorized computers. No recorded data may be saved to any public or personal website or onto any public or personal computer, disc or portable storage device, or reproduced or released in any format to the public or to the Media without express authorization from the Chief of Police or his designee. Officers shall not download or copy any digital recording files without submitting a request to the appropriate Division. Violation of these prohibitions can result in discipline, up to and including termination.
- 7. Officers shall not view videos taken by other Department personnel unless required for investigative purposes, including report writing or with a supervisor's express permission.
- 8. Supervisors may use digitally recorded data for training purposes with the approval of the Chief of Police or his designee.

V. PROCEDURES

A. Recorded Data

1. Evidentiary video shall be retained until the matter is resolved, but shall be retained for a minimum of two years, under the following circumstances:
 - a. The recording is of an incident involving an officer-involved shooting or the use of force.
 - b. The recording is of an incident that leads to the detention or arrest of an individual.
 - c. The recording is relevant to a formal or informal complaint against a law enforcement officer or a law enforcement agency.
 - d. The recording is relevant to claims filed or pending litigation.
2. If video is relevant to a criminal prosecution, it shall be retained for the same time as all other evidence in the case, and shall be deleted only when it is no longer needed in the prosecution of the case and any subsequent hearings or appeals.
3. Video deemed to be non-evidentiary in nature shall be saved for a minimum of **90** days.
4. An auto-tagging process attaches the correct incident number and category to most video files. However, it is the responsibility of the officer to regularly ensure all videos and photos are categorized and labeled correctly. The following formats shall be adhered to:
 - a. Videos and photographs shall be labeled with the associated nine-digit incident number.
 - b. When no incident number exists, videos and photographs shall be entered into a miscellaneous or training category as appropriate.
 - c. It is the responsibility of the officer who takes digital photographs to manually tag them, as the auto-tagging system does not include photographs.
 - d. All videos shall be entered into the appropriate category, as outlined in Department training.

5. Records Division personnel shall be responsible for transmitting body-worn video footage to the District Attorney's office at the time an arrest case is sent, following established sharing procedures.
6. The Records Manager shall follow established public records request protocols when redacting and/or releasing body-worn video.
7. All recordings, including video, photographs and audio files shall be saved to the Department's designated media storage system by the officer who captured the data prior to ending his/her shift.
 - a. Supervisors retain authority to take possession of any City-issued equipment as part of any investigation including a use of force or other serious incident. When exercising such authority, the supervisor shall save the recorded information into the Department's designated media storage system or transfer the custody of the recording device to an authorized Forensic or Evidence Technician.
 - b. Forensic and Evidence Technicians have the same authority and responsibility as supervisors when acting in the regular performance of their duties and processing digital data.
 - c. In any case where a supervisor or Forensic/Evidence Technician takes possession of an officer's digital recording device as part of an investigation, the supervisor or Forensic/Evidence Technician shall return the digital recording device to the affected officer as soon as practical after saving any captured video into the Department's designated media storage system. Should the digital video recorder itself be considered evidence in a case and need to be impounded, the supervisor or evidence technician collecting the device shall make arrangements to provide the officer with a replacement unit as soon as reasonably practical.
8. All videos, photos, and audio files shall be saved using the approved Department format.

B. Report Writing

1. In instances where video is obtained and a written report or citation is generated, the officer will document in the report or on the back of the citation that video exists and the video was downloaded.
2. Officers may review video from their device prior to submitting a written document on the incident or being interviewed, but the Chief of Police or his designee may restrict access that could compromise an investigation.

VI. ADMINISTRATION

- A. The Records Manager is designated as the Custodian of Records for all digital recording device data files.
- B. The Records Manager shall permanently retain records or logs of access and deletion of data from digital recording devices. It is the Video Administrator's responsibility to provide those records.
- C. Recordings made pursuant to this policy are Department records and may only be released in accordance with this policy or by law.
- D. A Video Administrator may delete any data files that contain information that is not ordinarily retained in the normal course of business, thus has no value to the Department, including but not limited to accidental recordings, video, photos, and audio files related to camera training or testing, and videos with no specific law enforcement related content.
- E. The Video Administrator shall conduct monthly audits to ensure officers are adhering to this policy.
- F. Body-worn video footage will not be routinely viewed to identify compliance with other Department Instructions and policies. Footage may be utilized when investigating formal complaints or identified performance issues.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 04-20-22	NO: 1.52 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: TRAINING TRAVEL AND REIMBURSEMENT PROCEDURES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.52, dated March 25, 2020.

I. PURPOSE

The instructions provided herein are to assist the member and the Department in the planning, managing, and reimbursement of expenses for Department-approved training courses, and to advise the member of his/her responsibilities pertaining to training attendance and follow up.

The Department is committed to providing excellence in professional law enforcement services. An essential component in obtaining that level of service is the continual training, professional development, and technical skill enhancement of its members.

Training shall be provided to all members, regardless of rank, position or job description. Balancing the importance of training with the training funds available while minimizing the impact on staffing is a shared responsibility between the Department and the member.

II. CATEGORIES OF TRAINING

There are many internal and external factors that determine the type and frequency of training for various Department members. Generally, training requirements can be classified into three over-arching categories, which are defined as follows:

- A. Mandatory – Training which is mandated by Federal or State law, County regulation, City or Department directive. Mandatory training includes that training necessary to maintain compliance with POST regulations. Continuing Professional Training (CPT) Requirement: Every peace officer (other than a Level III Reserve Peace Officer), Public Safety Dispatcher, and Public Safety Dispatch Supervisor shall satisfactorily complete the CPT requirement of 24 or more hours of POST-qualifying training during every two-year CPT cycle unless an authorized absence or special circumstance exists. See POST Website on requirements: <https://www.post.ca.gov/refreshers-training.aspx>.
- B. Required – Training which is necessary to obtain specific, technical skills related to the employee's job assignment, grade or rank.
- C. Desired – Training which is requested for further career enhancement, job promotion or general, work-related interest.

III. GENERAL

- A. All Department members attending a 24, 36, 40-hour (or longer) training course will adjust their schedules from a 4-10 to a 5-8 work schedule. This work schedule change will cover the duration of the training class.
- B. When driving to a training class, personnel shall use their assigned City vehicle. They may choose to drive their personal vehicle at their own expense. Sworn personnel assigned marked units are expected to drive their units to training. Sworn personnel wishing to use an unmarked unit rather than their marked unit shall require approval from the bureau commander. Those personnel not assigned a City vehicle may check one out through the Training Division or Police Administration. All Police Department employees must have a valid California Driver's License to drive any City vehicle.
- C. When travel time in conjunction with the scheduled training class exceeds the 40 or 42-hour workweek, travel time may be taken as adjusted or overtime.
- D. There shall be no variations from training orders without the authorization of Police Administration or the Training Manager.
- E. Approved school request forms must be received by the Training Division a minimum of one month prior to attending any class. The employee and supervisor will complete the cost portion of the school request form. Members will then seek approval from their chain of supervision. In addition, the Training Division will research costs separately and notify the bureau commander of any discrepancies in costs. School requests will not be processed without the signature of approval by the appropriate bureau commander.
- F. Supervisors are authorized to approve school attendance for their administratively assigned members as follows:
 - 1. The course/class must be no longer than eight (8) hours and must be held at a location within San Diego County. The member attending must be able to commute to/from the training and attend the training with no overtime costs.
 - 2. The training must be free of costs of any kind.
 - 3. Lunch expense will not be reimbursed.
 - 4. Training attendance must not cause authorized staffing to fall below minimum staffing levels.

IV. REIMBURSEMENTS

Reimbursement of member-incurred expenses while attending any Department/City-approved training will be consistent with City policy as outlined in Administrative Directive #18 – Expense Reimbursement Policy for City Officials and Employees.

Travel arrangements are selected based on the least total cost to the Department, and based on the most economical method of travel.

A. Education Tuition Reimbursement

1. When in effect through the City, sworn employees seeking education tuition reimbursement, as allowed in Section 2.10 of the Sworn MOU, will adhere to the following procedures and conditions:
 - a. Select a desired, applicable course of study.
 - b. Complete the tuition reimbursement form (located in D.I. 1.4) and submit this form to Police Administration for approval prior to registering for the course. Police Administration will forward a copy of the tuition reimbursement form to the Training Division for tracking purposes only.
 - c. The member will be responsible for making all related arrangements necessary to attend the course (tuition payment, travel, hotel, etc.). The Training Division staff is not responsible for these tasks.
 - d. Once the course(s) has been successfully completed, deliver a copy of the certificate of completion to Police Administration with a copy forwarded to the Training Division for inclusion in the employee's training file.
 - e. The employee will forward the tuition reimbursement form to the Benefits Division of Human Resources at City Hall for processing and reimbursement.
 - f. All sworn employees attending professional development courses shall do so only on personal time (see Section 2.10 in MOU). No on-duty or adjusted time will be authorized.
 - g. PPVs or an assigned vehicle should not be used for commuting to/from tuition-reimbursable courses unless approved by the bureau commander.
 - h. Sworn employees attending tuition reimbursable course(s) and the vendors, organizations, agencies or individuals presenting the course(s) assume all liability for injuries incurred while participating in the course(s).

B. Travel Reimbursement

1. When the most economical method of travel is by vehicle, members will utilize a City vehicle whenever possible.
2. Employees not assigned a City vehicle shall make arrangements with the Training Division or with Police Administration to use an available City vehicle within the Department. In the instance that a vehicle is not available within the Department, the member shall use the City carpool system and request a vehicle to use. If all attempts have been exhausted to use a City vehicle and none are available, mileage reimbursement at the City standard mileage rate will be approved.
3. Approval for mileage reimbursement must be obtained through the Training Division prior to the training.
4. Mileage reimbursement for the use of a private vehicle (when authorized) is based on the current I.R.S.-approved rate.
 - a. When mileage is reimbursed, it is based on the mileage from the member's home or from the police station, whichever is the shortest distance to the training site. A computer-based mileage estimate (Map Quest® or similar) will be the basis of the estimate.
5. Members who are unassigned City vehicles and using one to attend training shall check out the vehicle on the first day of training and return the vehicle on the last day of training unless approved by the Training Division.
6. When more than one member is assigned to the same training location at the same time and the use of a vehicle is previously authorized, car-pooling is required unless otherwise approved by the Training Division or Police Administration.
7. Commuting in a City vehicle to a training course outside of California, requires prior approval of the Chief of Police.
8. When the most economical method of travel is by air and the employee requests and receives authorization from a bureau commander to travel by personal vehicle, reimbursement is based on the least expensive method of travel. This includes the actual costs of travel and time to the destination.
9. Out of state flights require prior approval from the Chief of Police.
10. An airline comparison will be made by the Training Division to find the most economical airfare.

11. Flights will only cover travel to and from the closest airport from the Department or the employee's home to the closest airport to the training.
12. Flight reservations date and times will coincide with the training's date and times.
13. Any personal travel or extension of time off will not be covered or reimbursed by the Department/City.

C. Meal Reimbursement

1. Members will receive their advanced meal allowance on their paycheck (employees receiving lunch only will not receive a meal advance). The cost of meals and per diem is based on the maximum allowed by City directive.
2. Expenses for alcoholic beverages will not be reimbursed.
3. If the member attends an in-county school, or commutes to a course from home, reimbursement will be for lunch only (up to the maximum allowed by City directive). If the member is receiving lunch reimbursement only, a dated lunch receipt must be turned in for each meal. Meals occurring during training within the City of Escondido are not reimbursable.
4. To receive a lunch reimbursement, an itemized lunch receipt must be submitted to the Training Division. The receipt must show location, items purchased, date, time, and cost.
5. Lunch receipts shall be submitted to the Training Division on the first work day back from the training along with the training certificate.
6. Meals included with training courses or hotel stay are not separately reimbursable.

D. Hotel Reimbursement

1. All approved trainings that are out of county shall be offered a hotel stay for the duration of the training. Hotel accommodations will be made and paid for prior to the training by the Training Division.
2. The Training Division will conduct a comparison on hotel costs near the training site to locate the best possible rate.
3. Hotel stays that are covered by the Department will include payment for room and tax, applicable resort fees, and parking. A personal credit card is required at check in for incidentals. No charges will be made to the member's credit card if no additional charges were made.

4. In county hotel stays for trainings will not be approved. In the instance an in county training requires the student to stay at a hotel for training purposes, an approval must come from the Chief of Police.
5. An out of county hotel stay will not be approved by the Department for a member who lives in the county where the training is taking place.
6. It is expected that the employee will stay at the hotel for the number of nights reserved. Cancellations or changes to the reservation must first be made with the Training Manager or Training Coordinator.
7. A physical hotel receipt with room and tax costs must be submitted to the Training Division on the first day back to work along with the training certificate. If the employee fails to provide the hotel receipt on the first day of work, the employee who attended the training must contact the hotel to obtain a copy.

V. DUTIES OF THE EMPLOYEE ATTENDING TRAINING

Members are reminded that they are representatives of the Escondido Police Department and, as such, should participate in training courses in a manner that brings credit to themselves and the Department.

- A. Members should report to the training location on time and remain in class until released by the course instructor. Members must attend 90% of the assigned class time to receive credit for the class and for the Department to receive reimbursement from POST.
- B. Members should participate fully in assigned training and maintain proper decorum in manner and dress being mindful of the Department's professional conduct standards.
- C. Members should be alert for information, techniques, and materials presented at training courses that would be useful to others in the Department, and be prepared to share that information with Department staff.
- D. In the event the employee receives a subpoena for appearance during a scheduled POST training class, please refer to D.I. 1.19, Section III.A. for clarification. If the member has previously received a subpoena that coincides with the scheduled class and it appears that more than 10% of the class will be missed, notify the Training Division immediately. Members missing any scheduled class time, for any reason, must provide a written explanation of the reason for the absence, which will be forwarded to the Training Manager.
- E. Sworn members required to bring weapons/ammunition to assigned training shall adhere to all federal laws regulating the possession of weapons in airports and on-board an aircraft. Sworn members having the need to carry a concealed weapon

on-board aircraft must have received prior training from the Department of Homeland Security (DHS) and the Transportation Safety Administration (TSA).

- F. All receipts (hotel, food, travel) and certificates of course completion are to be turned in to the Training Division on the first day back to work following the training.

VI. PROFESSIONAL CONFERENCES

- A. There are numerous professional conferences that occur each year that meet the training needs of the Department. The Department recognizes the benefits of having employees attend these conferences as the knowledge, skills and industry relationships developed at conferences enhances the mission/pillars of the Department.

Conferences offered by various professional associations including, but not limited to, the California Narcotics Officers Association (CNOA), California Tactical Officers Association (CTOA), California Association of Hostage Negotiators (CAHN), Peace Officers Research Association of California (PORAC), California Gang Investigators Association (CGIA) are examples of the kinds of conferences the Department supports and encourages employee participation.

- B. The costs of conference attendance are seldom reimbursable to the Department. As such, the costs of attendance must be included in the approved fiscal year budget expenditures of the bureau the employee is assigned to or upon other approval by the bureau commander.
- C. Attendance of Department-approved conferences requires the completion of the School Request Form and the chain of command approval.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 1.53 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: PROTOCOL FOR DISSEMINATION OF MEGAN'S LAW INFORMATION	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.53, dated February 12, 2004. *All pages are new.

I. PURPOSE

To establish guidelines for the release of information to both the general public and police officers regarding known registered sex offenders, when a specific person or the public in general are determined to be in danger from these sex offenders.

II. BACKGROUND

In 1996, the California State Legislature enacted their version of the Megan's Law federal statute as described in California Penal Code section 290. In 2004, the Legislature enacted a new law mandating that certain registered sex offenders be posted on Megan's Law website (maintained by the DOJ) per California Penal Code section 290.46.

Megan's Law provides that Law Enforcement Agencies can notify the public about any registered sex offender, regardless of their posting status, if it is determined the sex offender is posing a risk to the public.

The Escondido Police Department will offer public access to information on Escondido's sex offenders that are classified for public disclosure in accordance with Megan's Law. The public can track sex offenders within their community with the Offender Watch's link available on the Escondido Police Department's webpage.

III. DEFINITIONS

- A. "At risk" will generally be defined as a situation wherein a peace officer reasonably believes, based on the officer's training, experience and information, that a sex offender may victimize a person or group of persons by committing any sex-related offense against that person or group.
- B. "Reasonably believes" is an objectively reasonable suspicion based on information provided by another peace officer or a member of the public that a child, another person or group may be at risk of becoming the victim(s) of a sex offense by a sex offender.
- C. California's Megan's Law site divides registered sex offenders into three categories:

Full Address – shown on public sites with address posted

Zip Code Only – shown on public sites with no street address
No Post – not posted to the public

IV. POLICY

A. PUBLIC DISSEMINATION

The Escondido Police Department may provide information to the public about a person required to register as a sex offender pursuant to California Penal Code section 290 when necessary to ensure the public safety concerning that specific person's current risk of sexual or violent re-offense.

1. The disclosure shall include a statement that the purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders.
2. Only those persons described in California Penal Code section 290.46 may be posted on an internet website as a person required to register as a sex offender unless that person has an outstanding warrant for their arrest.
3. Information subject to public dissemination regarding the identification of a sex offender may include:
 - a. Name
 - b. Known aliases
 - c. Gender
 - d. Race
 - e. Physical description
 - f. Photograph
 - g. Date of Birth
 - h. Vehicle information (description, license, etc.) either owned by or available to the offender
 - i. Type of victim targeted by the offender
 - j. Relevant parole or probation conditions (i.e., no contact with children)
 - k. Crimes resulting in classification
 - l. Date of release from confinement (if applicable)

- m. Verified current address
- 4. Information identifying the victim shall be excluded.
- 5. The Escondido Police Department may authorize disclosure of this information to additional persons only if it is determined that disclosure will enhance public safety and the scope of disclosure is identified.
- 6. The use of any information that is disclosed pursuant to this section (PC 290) for purposes related to any of the following is prohibited:
 - a. Health insurance
 - b. Insurance
 - c. Loans
 - d. Credit
 - e. Employment
 - f. Education, scholarships, or fellowships
 - g. Housing or accommodations
 - h. Benefits, privileges, or services provided by any business establishment
- 7. The Escondido Police Department and its employees shall be immune from liability for good faith conduct under this section (PC 290).
- 8. Public notification shall continue until circumstances constituting the basis of the notification no longer exist.

B. REPORTING REQUIREMENTS

Persons required to register per California Penal Code 290 must do so with the law enforcement agency in which they reside. The registration shall consist of all of the following:

- 1. A signed written statement by registrant providing required information, to include the name/address of current employer and address of actual place of employment (if different from employer address)
- 2. Fingerprints and current photograph of registrant

3. License plate of any vehicle owned by, registered to, or regularly driven by registrant
4. List of all internet identifiers actually used by registrant (as required by PC 290.024)
5. A signed written statement by registrant acknowledging requirement to register and update information
6. Within three days, the Escondido Police Department shall forward the statement, fingerprints, photograph, and vehicle license plate number to the CA DOJ.

Except as provided by law, the statements, photographs, and fingerprints required by this statute shall not be open to inspection by the public or by any person other than a regularly employed peace officer or other law enforcement officer.

C. CHANGE OF RESIDENCE

1. Any person required to register under this statute who changes their residence address shall, in person, within five working days of the move, inform the law enforcement agency with which they were last registered of the move, the new address or transient location.
2. If the registrant does not know the new residence address or location at the time of the move, they must notify the law enforcement agency with which they were last registered within five days via certified or registered mail of the new address or location.
3. Once received, the law enforcement agency shall forward a copy of the information within three days to the CA DOJ.

D. CHANGE OF NAME OR INTERNET IDENTIFIERS

1. Any person required to register under this statute who changes their name or internet identifiers (pursuant to PC 290.024) shall inform the law enforcement agency where they are currently registered within five working days.
2. Once received, the law enforcement agency shall forward a copy of the information within three days to the CA DOJ.

V. PUBLIC NOTIFICATION METHODS AND PROCEDURES

A. OFFENDER WATCH

Escondido Police Department provides Offender Watch as an effective community notification tool through the Department's webpage. The public is able to search for "Full Address" or "Zip Code Only" sex offenders, and pull up neighborhood maps. The public may also sign up and receive automated email alerts on any sex offender moving in or out of their neighborhood. Information provided in Offender Watch must match Megan's Law Information exactly.

****Note:** "No Post" sex offenders are excluded from Megan's Law and are not subject for release through Offender Watch.

B. FLIERS / DOOR TO DOOR NOTIFICATIONS

Approval of any sex offender community notifications shall be determined by anyone on the 290 Team but must be authorized by the FPU Sergeant & Division Lieutenant. The Division Lieutenant will then notify the Chief of Police or his/her designee and the City Attorney's Office before any notification is released to the public.

Notification fliers to specific organizations (e.g., YMCA, schools), community meetings, and/or press releases are all permitted. The scope of notification should only be as broad as necessary for the protection of the public.

The notifications should contain the following statement: "The purpose of this notification is to allow members of the public to protect themselves and their children from sex offenders."

Certain investigative steps should be undertaken. Background information regarding the offender's past offenses and current behavior should be gathered prior to the release of information.

Sex offender's information and address is to be verified prior to the release of notification.

The following shall be documented in both the 290 file and Offender Watch:

1. Why notification is necessary to protect the public;
2. Scope of the disclosure and the reason for determining the area or organization to be notified;
3. Documentation verifying all released information.

C. VERBAL NOTIFICATIONS TO INDIVIDUALS OR GROUPS

The public can be notified about any sex offender who is determined by police personnel to be posing a risk to any member of the public.

In situations where a known exigency exists or there is information that a person or persons are in potential danger, the above documentation procedures shall apply.

D. NOTIFICATION TO SCHOOLS

Every law enforcement agency, upon the arrest for any of the offenses listed in PC 290, PC 261(a), or Education Code 44010, of any school employee, shall, provided it is known the arrestee is a school employee, do either of the following:

1. If the school employee is a teacher in any public school, make immediate notification by telephone to the superintendent of the school district employing the teacher, and shall immediately give written notice of the arrest to the Commission on Teacher Credentialing and the superintendent of schools in the county where the person is employed.
2. If the school employee is a non-teacher in any public school, make immediate notification by telephone to the superintendent of the school district employing the non-teacher, and shall give immediate written notice of the arrest to the governing board of the school district employing the person.
3. If the person is employed as a teacher in any private school, notify by telephone and in writing, the private school authorities employing the teacher.

VI. PURGING OF FILES

- A. Persons who are required to register as a tier one or tier two sex offender may file a petition in the superior court for termination from the sex offender registry on or after their next birthday after July 1, 2021.
1. The superior court shall serve the petition on the registering law enforcement agency, and the agency shall report receipt of the petition to the CA DOJ.
 2. The law enforcement agency has 60 days to report to the district attorney and superior court if requirements for termination from the registry have been met.
 3. If an offense requiring registration is identified that has not been previously assessed by the CA DOJ, the law enforcement agency shall refer that conviction to CA DOJ to determine whether the conviction changes the tier designation for the registrant.
- B. When a person is discharged from the requirement to register under the Megan's Law Act, upon notification from the CA DOJ, the registering law enforcement agency shall remove the person's registration from its files within 30 days of receipt of the notification.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 1.54 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: PROCEDURE FOR IMPOUNDING AND DISPOSITION OF FIREARMS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.54 Administration, dated January 9, 2015.

I. PURPOSE

The purpose of this Instruction is to establish the procedures to be followed when handling firearms that come into the possession of the Escondido Police Department.

II. BACKGROUND

Currently, the Escondido Police Department takes firearms into possession for safekeeping, evidence, found property, and voluntary destruction. There are time limits, restrictions and guidelines that must be followed when handling firearms brought into the possession of the Department. Personnel are required to know the protocol for the handling of firearms brought into the possession of the Department.

III. FIREARMS IMPOUNDED FOR SAFEKEEPING OR FOUND PROPERTY

A. When a firearm is brought to EPD for safekeeping or found property, the officer/detective taking the firearm into their possession must:

1. Request a records check from Dispatch to determine whether or not the firearm is stolen, and conduct and document a follow-up investigation.
2. Provide the owner of the firearm a Department receipt, EsPD form #254. The owner will sign the receipt indicating they have received the receipt. This receipt will be provided to any person holding themselves out to be the owner of a firearm regardless of who is the actual registered owner. The receipt will include the type and serial number of the firearm and provides the owner with detailed instructions how to have the firearm returned. A receipt is not necessary when the firearm is being impounded as found property.
3. Completely fill out the QueTel Officer Impound Module screen relating to firearms impounds. The officer/detective will fill out fields to the best of their ability including, but not limited to: serial number, barrel length, make, model, caliber, country of origin, and importer.
4. Render the firearm safe and secure it with ziptie(s) to the inside of a firearms box. Seal the box from end to end and place the barcode on the end opposite of the muzzle. Only include (1) empty magazine in the box. Any ammunition should be packaged separately in a paper envelope. The QueTel firearms

report will be submitted with the officer's original case report. Do not affix the report to the firearms box.

- B. Property Division personnel will utilize the QueTel firearms report to make the required computer entry to CLETS/AFS.
- C. The Property Division shall perform an eTrace on all incoming firearms (any firearm entered into AFS as Evidence/Crime Gun is automatically traced). All eligible safekeeping and found firearms will be sent to the San Diego Sheriff's Crime Lab for IBIS (Integrated Ballistics Identification System) processing.
- D. If the owner of a firearm contacts EPD to request the return of the weapon, a representative of the Property Division must:
 - 1. Send a form letter and/or email with instructions/link for accessing the California Department of Justice CFARS (California Firearms Application Reporting System) web-based application to the owner of the firearm to be completed and returned directly to the Department of Justice.
- E. The California Department of Justice will send a letter to the owner of the firearm informing them if they have been approved to pick up the firearm.
 - 1. If the firearm cannot be released to the owner, the firearm shall be kept in the Property Division and destroyed in the appropriate manner. If the firearm is California compliant, the owner may have the firearm released to a licensed firearm dealer for sale or private property transfer of the weapon in lieu of destruction per Penal Code Section 33870.
 - 2. If the firearm can be released to the owner, the owner must contact the Property Division to make an appointment within 30 days of receipt of their original letter with the embossed gold seal from the California Department of Justice or they will have to re-file. Property Division personnel should schedule appointments for firearm release as promptly as possible to accommodate the 30-day limitation of the letter.
- F. If no owner is identified, a found property firearm shall be held in the Property Division for 90 days, after which time the firearm shall be destroyed in the appropriate manner per Penal Code Section 34000.

IV. FIREARMS IMPOUNDED FOR EVIDENCE

- A. When an EPD officer/investigator obtains a firearm that is evidence in a crime case, the officer/investigator must request Dispatch run a records check to determine whether it has been reported stolen. If the firearm is stolen, a follow-up investigation will be conducted and documented. The Property & Evidence Technician assigned to the Firearms desk will work with investigators to ensure all eligible firearms impounded as evidence be internally processed for latent

prints/DNA and then sent to the San Diego Sheriff's Crime Lab for IBIS processing.

- B. The gun must be impounded and kept in the Property Division for evidentiary purposes until 60 days after the case has been adjudicated to allow time for the suspect/firearm owner to appeal the case and request the return of the weapon. If no appeal is made, the firearm will be purged with the other evidence in the case when such destruction is deemed appropriate by Property Division personnel. Property Division personnel will apply standard purging criteria when reviewing cases with firearms. If any questions arise in regard to the firearm destruction, the case agent will be contacted for authorization to destroy the firearm.
- C. Following the adjudication of a criminal case involving a stolen firearm, a Property & Evidence Technician shall attempt to contact the victim/firearm owner per Penal Code Section 11108.5.
 - 1. If the victim/firearm owner cannot be contacted or does not contact EPD, the firearm shall be kept in the Property Division and destroyed in the appropriate manner per Penal Code Section 34000.
 - 2. If the victim/firearm owner is contacted and wants to claim the firearm, a representative of the Property Division must:
 - a. Send a form letter and/or email with instructions/link for accessing the California Department of Justice CFARS (California Firearms Application Reporting System) web-based application to the owner of the firearm to be completed and returned directly to the Department of Justice.
 - b. The owner should be notified that if they fail to pick up the firearm within 180 days, it may be disposed of per Penal Code Section 33875.
 - 3. Suspects with no claims to ownership will not be provided with a letter or DOJ forms.
- D. The Department of Justice will send a letter to the firearm owner notifying them whether or not the firearm can be released to the owner.
 - 1. If the firearm cannot be released to the owner, the firearm shall be kept in the Property Division and destroyed in the appropriate manner. If the firearm is California compliant, the owner may have the firearm released to a licensed firearm dealer for sale or private property transfer of the weapon in lieu of destruction per Penal Code Section 33870.
 - 2. Owners that are eligible to possess firearms but do not wish to take possession may request to transfer or consign their firearm to a federally licensed firearm dealer.

3. If the firearm can be released to the owner, the owner must contact the Property Division to make an appointment within 30 days of receipt of their original letter with the embossed gold seal from the California Department of Justice or they will have to re-file. Property Division personnel should schedule appointments for firearm release as promptly as possible to accommodate the 30-day limitation of the letter.
- E. If no owner is identified, a found property firearm shall be held in the Property Division for 90 days, after which time the firearm shall be destroyed in the appropriate manner per Penal Code Section 34000.
- F. The final disposition of any and all firearms that are taken into custody by EPD as evidence shall be the responsibility of the Property & Evidence Technician assigned to firearm dispositions. If any questions regarding the firearm arise, the Property & Evidence Technician will contact the COV sergeant or the case agent.
- G. Firearms to be destroyed will be disposed of as deemed appropriate by the Property Division supervisor.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 04-17-24	NO: 1.55 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: MILITARY EQUIPMENT USE POLICY	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.55, dated February 23, 2023.

I. PURPOSE

This policy establishes guidelines for the acquisition, funding, use and reporting of “military equipment,” as the term is defined in Government Code section 7070. This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481 (“AB 481”). These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

II. OVERVIEW

The Escondido Police Department utilizes military equipment in its mission to protect the community through exceptional police service. This equipment is acquired with careful consideration and intention. Military equipment is acquired and authorized when there is no reasonable alternative that can achieve officer and civilian safety. AB 481 provides important public information and input regarding how military equipment is funded, acquired, and used.

III. POLICY

It is the policy of the Escondido Police Department that there are legally enforceable safeguards, including transparency, oversight, and accountability measures in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

IV. DEFINITIONS

A. California Government Code section 7070 defines “Military Equipment” as:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
 5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
 6. Weaponized aircraft, vessels, or vehicles of any kind.
 7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
 8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
 9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
 10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
 11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
 12. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.
 13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
 14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a City Council or a state agency to require additional oversight.
 16. Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. California Government Code section 7070 states “Military equipment use policy” means a publicly released, written document governing the use of military

equipment by a law enforcement that addresses, at a minimum, all of the following:

1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

V. GENERAL

- A. In accordance with California Government Code section 7071, the Department shall obtain approval of the City Council annually, by ordinance, at a regularly meeting, prior to engaging in any of the following activities:
 1. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 2. Seeking funds for military equipment including, but not limited to: grant funds; private, local, state, or federal funds; in-kind donations; or other donations or transfers.
 3. Acquiring military equipment either permanently or temporarily, including

by borrowing or leasing.

4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the City Council.
 5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council pursuant to general order.
 6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
 7. Acquiring military equipment through any means not provided in California Government Code section 7071.
- B. In seeking the approval of the City Council, the Escondido Police Department shall submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

VI. MILITARY EQUIPMENT REPORTING

- A. The Department shall submit an annual military equipment report to City Council that addresses each type of military equipment possessed by the Department.
1. The Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
 2. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 - a. A summary of how the military equipment was used and the purpose of its use.
 - b. A summary of any complaints or concerns received concerning the military equipment.
 - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 - d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage,

upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

- e. The quantity possessed for each type of military equipment.
- f. If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

- 3. Within 30 days of submitting and publicly releasing an annual military equipment report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the Department's funding, acquisition, or use of military equipment.

B. The Department's annual report is attached as Appendix A.

VII. CATALOGING OF MILITARY USE EQUIPMENT

All military use equipment kept and maintained by the Escondido Police Department shall be cataloged in a way which addresses each of the following requirements:

- 1. The manufacturer's description of the equipment.
- 2. The capabilities of the equipment.
- 3. The purposes and authorized uses for which the Department proposes to use the equipment.
- 4. The expected lifespan of the equipment.
- 5. The fiscal impact of the equipment, both initially and for on-going maintenance.
- 6. The quantity of the equipment, whether maintained or sought.

VIII. COMPLIANCE

- A. The use of military equipment is subject to individual Department Instructions, and is restricted for use only in certain instances and in some cases, only by certain units. It is incumbent upon incident commanders, supervisors, and individual officers to recognize the specific circumstances wherein military equipment should be employed to enhance the safety of the public and officers and to bring a critical incident to a safe resolution.
- B. Department members are bound to adhere to Department Instructions, in addition to state and local laws and ordinances when employing the use of military

equipment at any time. Violations of the law or Department Instructions may result in criminal or administrative investigations and/or actions.

- C. Administrative Investigations concerning complaints related to military equipment will be conducted in accordance with Department Instruction 1.12 – Civilian Complaint Reception and Investigation Procedure. These investigations will be reviewed by the Chief of Police to ensure that compliance with this military equipment procedure is maintained.
- D. Any corrective action or discipline imposed as a result of a violation of this Department Policy will be administered in accordance with Department Instruction 1.12, relevant labor agreements, City Personnel Rules, and state law.
- E. The Chief of Police is responsible for the use of military equipment. He is directly supervised by the City Manager who has independent oversight authority. The City Council appoints the City Manager who holds office at and during the pleasure of the council. The City Attorney also serves at the pleasure of the City Council and provides independent legal advice to the Chief of Police, the City Manager, and the City Council.

IX. COMPLAINTS, INQUIRIES, QUESTIONS

- A. In some instances, the application and use of military equipment can cause questions and/or concerns for members of the community. It is of vital importance that community members' questions regarding the application and use of military equipment are addressed. The Escondido Police Department is committed to full and fair investigation of citizen complaints. As such, the Department has sound internal procedures for thorough and impartial investigations of citizen complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Department.
- B. Complaints directly related to the application or use of military equipment shall be handled in accordance with Department Instruction 1.12 – Civilian Complaint Reception and Investigation Procedure.
 - 1. Members of the public may make complaints in any form; including use of the department's online complaint form (<https://www.police.escondido.org/file-a-complaint.aspx>), in person, in writing, by email or by phone.
 - 2. The Internal Affairs Unit will maintain statistical data concerning the number and types of complaints regarding military equipment.
- C. The Escondido Police Department values open communication and transparency. Community questions and/or concerns regarding the application and use of specified military equipment should be addressed in the following manner:

1. Via the Department internet website where the public can email specific military equipment related questions to the Department.
2. At pre-determined Community Engagement Meetings related to military equipment.
3. At City Council Meetings related to military equipment.
4. In all other circumstances, the public should be directed to the Department's Military Equipment Use Policy available on the Department's internet website.

X. FUNDING

The Department shall seek City Council approval for military equipment funding, including, but not limited to: grant funds; private, local, state, or federal funds; in-kind donations; or other donations or transfers.

XI. USE OF MILITARY EQUIPMENT WHEN COLLABORATING WITH OUTSIDE AGENCIES

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

1. Department members are required to adhere to the Department's Military Equipment Use Policy and all policies and procedures outlined within the Escondido Police Department Instructions, regardless of operational jurisdiction.
2. Should the Escondido Police Department request mutual aid from another law enforcement agency and military equipment is required during the course of the response, the following shall apply:
 - a. The Escondido Police Department shall remain in charge of the overall incident command.
 - b. The Incident Commander or designee shall brief the supervisor from the assisting agency and inform them of the mission, enforcement posture, and any pertinent information related to the incident.
 - c. The assisting agency will be expected to adhere to their respective policies and procedures, particularly those governing the use of military equipment.
 - d. If the Incident Commander or their designee is informed of or witnesses the utilization of military equipment by an assisting agency inconsistent with the guidelines set forth in this procedure, the Incident Commander may elect to

cancel the request for mutual aid or re- assign the assisting agency to a different support mission.

Appendix A**Escondido Police Department**
Annual Military Equipment Report**Calendar Year 2023**

Assembly Bill 481 added three section to the California Government Code statutes to address the use of “military equipment” by a local police force. Cal. Govt. Code section 7070 defines both “military equipment” and “military equipment use policy.” Cal. Govt. Code section 7071 provides the requirements for a military use policy and an annual review by the City Council. Cal. Govt. Code section 7072 requires an annual military equipment report and a community engagement meeting prior to the City Council’s approval of the report. Each law addresses the subject from a slightly different perspective. This report seeks to address all the requirements required by AB 481. The report is organized into sections that correspond to the Cal. Govt. Code section 7072 requirements.

I. Summary of how the military equipment was used and the purpose of its use.

- A. Items deemed to be “military equipment” by AB 481 are used as a component of overall best practices for Law Enforcement Agencies (LEAs) throughout the country. These tools have been tested in the field, and are used by LEAs to enhance community and officer safety. Loss of these items would jeopardize the safety and welfare of peace officers and make communities less safe. The term “military equipment,” as used in AB 481, in fact does not necessarily indicate equipment that has been used by the military. In fact, federal law requires that any equipment actually provided by the Department of Defense be demilitarized prior to transfer to a civilian law enforcement agency. The Department does have two vehicles previously owned by federal agencies, one from the Department of Defense and one from the Department of Homeland Security. But, for the most part, the equipment acquired by the City and now deemed to be “military equipment” under state law are commercially available products that are readily available to the general public or in some cases restricted for sale to a law enforcement agency.
- B. The Escondido Police Department is committed to using the most up to date tools and equipment to safeguard the community. Equipment now defined as “military equipment” have been used by the Department and other law enforcement agencies across the country on a daily basis. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to a higher level of force including a lethal force encounter. To that end, the items at issue in this report, and accompanying Military Equipment Use Policy, also provide the Department’s peace officers with vital tools that facilitate compliance with the Department’s stringent use of force policy. For example, Escondido Police officers have faced gun fire from suspects for prolonged incidents which required the use of armored/ballistic vehicles to protect the officers and community. The protection with ballistic equipment allows for more time and opportunity to attempt to de-escalate situations and provide for safer

tactics to resolve life threatening events in the safest way possible to both officers and community members.

- C. All military equipment will be used in accordance with general and, when appropriate specific, Department Instructions. The Department Instruction on Use of Force provides overarching guidance and specific orders for all Department police officers including:

- 1. Law enforcement officers shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between officers and members of the public. When officers are called upon to detain or arrest a suspect who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they should consider tactics and techniques that may persuade the suspect to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely. The highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone. Every person has a right to be free from excessive use of force by officers acting under color of law.

- D. Often, the acquisition and use of military equipment is designed to avoid the use of force and when authorized, to use the least amount of force necessary.

II. Summary of complaints or concerns received concerning the use of military equipment.

- A. The Department has received no complaints or concerns related to the use of military equipment.

III. Results of internal audits, any information about violations of military equipment use policy, and any actions taken in response.

- A. The Department has not conducted an internal audit regarding military equipment. However, in compiling this report the Department found no violations of the proposed military use policy. Further, the internal affairs unit did review their investigative files and found no violation of department policy that could be associated with the use of military equipment.

IV. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

- A. Please see the Responses provided in Exhibit 1 to this Appendix.

V. The quantity possessed for each type of military equipment.

- A. The Escondido Police Department seeks approval for the continued use of the following military equipment. The Department has organized the response into the categories listed in California Government Code section 7070.

VI. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

- A. Along with seeking authorization to use preexisting equipment, the Department will seek authorization to acquire, fund and use replacement consumable supplies which meet the statutory definition of “military equipment.” In the attached Exhibit, you will find an authorized quantity displayed next to an on-hand quantity for each piece of military equipment. For consumable supplies, the authorized quantity is set at a level to allow efficient inventory management such as starting the replacement process before depleting the on-hand supplies and making bulk purchases of consumable items to achieve cost savings. As always, the Department will seek additional council approval for any new type of “military equipment” in accordance with Department Instruction 1.55 and City budgetary and procurement practices.
- B. Similarly, the Department routinely replaces old or worn equipment. The Department will seek a broad advance authorization to replace old, broken, obsolete, worn or damaged equipment, one for one, so long as the replacement of military equipment provides similar uses, characteristics, and capabilities, and will not significantly change or impact the public's welfare, safety, civil rights, and civil liberties.
- C. The Department typically achieves approximately two million dollars a year in grant funding. Most grant funding opportunities involve a competition for limited resources and the Department must be able to act quickly and nimbly to successfully win grants. The Department will seek a broad advance authorization to seek and apply for local, state or federal grant funding. The Department will continue the practice of notifying the City Council when the Department succeeds in obtaining grant funding through the budget adjustment process.

Exhibit (1)**Escondido Military Equipment
Pursuant to Cal. Govt. Code section 7070****I. Unmanned, remotely piloted, powered aerial or ground vehicles.**

A. Unmanned Aircraft System (UAS): The Department has several small unmanned aircraft, also known as drones, along with the associated equipment necessary to control it remotely. All of the City's drones are commercial products and available for sale to the general public.

1. Description, authorized / on hand ("Auth. – O/H") quantity, capabilities, and purchase cost
 - a. DJI MATRICE 300 [Auth. 2- O/H 1] Has HT20 zoom and thermal camera. UAS with 45-minute flight time, all weather; equipped with IR and zoom camera and laser range finder. Has photo and video recording capabilities. Cost: \$35,000.
 - b. DJI MATRICE 210 [Auth. 2- O/H 1] with Z30 zoom camera and XT2 thermal camera. UAS with 30-minute flight time, all weather; equipped with IR and zoom cameras. Has photo and video recording capabilities. Cost \$35,000. Expected to be phased out some time in 2024-25
 - c. DJI MAVIC MINI/DJI Avata. [Auth. 4- O/H 3] Small UAS designed for interior flights, approximately 30-minute flight time. Has photo and video recording capability. Cost \$400-\$1,350 each.
 - d. DJI PHANTOM 4 PRO. [Auth. 2- O/H 1] UAS with 30-minute flight time. Has photo and video recording capability. Cost \$1,500.
 - e. DJI MAVIC 2 & 3 ENTERPRISE. [Auth. 16- O/H 15] UAS with 30- to 40- minute flight time; equipped with strobe, loud speaker and searchlight accessories. Some equipped with thermal cameras. Photo and video recording capability. Cost \$2,600 - \$5700 each
2. Purpose
 - a. Law enforcement investigations including major collisions.
 - b. Search for missing persons.
 - c. Natural disaster response and management.
 - d. SWAT, tactical or other public safety and life preservation missions
3. Authorized Use
 - a. Only assigned operators who have completed the required training shall be permitted to operate UAS devices during approved missions.
4. Expected Life Span
 - a. All UAS equipment, 3-5 years

5. Fiscal Impact

- a. Funding source, Escondido Police Department Budget.
- b. Annual maintenance and battery replacement cost: approximately \$12,000.

6. 2023 Expenditures:

a.	DJI Mavic 3 Thermal	\$ 5,748.00
b.	DJI Mavic 3 Enterprise \$3,788.00 each (X5)	\$ 18,940.00
c.	Mavic 3 Battery Kits \$659 each (X6)	\$ 3,954.00
d.	DJI Avata	\$ 1,348.00
e.	Avata Battery \$125.89 (X2)	\$ 251.78
f.	Care Refresh Insurance – Avata	\$ 129.00
g.	Tactical Light Kit – Avata	\$ 158.00
	Total Costs (including taxes):	\$32,748.54

7. Training

- a. All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation.

8. Legal and Procedural Rules

- a. Department Instruction 1.20 Unmanned Aircraft Systems provides detailed rules addressing the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

B. Lightweight robotic platform: Unmanned machine operating on the ground utilized to collect tactical information while minimizing risk of harm to police officers and community members.

1. Description, quality, capabilities, and purchase cost

- a. ROBOTEX AVATAR III. [Auth. 1 - O/H 1] Manufacturer description: “The Avatar® III is a compact, lightweight robotic platform that is part of the RoboteX Avatar® Series. Designed from the ground up for portability, expandability, and ease-of-use, the Avatar® III serves as a useful tool for a variety of users. The Avatar® III can be customized with a variety of plug-and-play accessories. These accessories facilitate use of the robot in a variety of scenarios, including Tactical, CBRNE, EOD, K9, and personal security settings. There is no longer a need to send SWAT or tactical response teams into to a dangerous situation before you've had a chance to assess the situation. The AVATAR Tactical Robot from RoboteX is an affordable tactical robot that is easy to use and allows for quick and safe inspection of dangerous situations.” Cost: \$28,105.

2. Purpose

- a. To be used to gain visual/audio data, deliver Emergency Notifications Team phone, open doors, and visually clear buildings.

3. Authorized Use

- a. Only authorized users under the direction of the Incident Commander are permitted to operate the robot. The Department's Avatar III has no weapons or offensive capability and primarily used by the SWAT team for information gathering.

4. Expected Life Span

- a. 10-plus years.

5. Fiscal Impact

a. Robotex Avatar III:

- i. Funding source: Escondido Police Department Operating Budget
- ii. Annual maintenance and battery replacement cost: approximately \$500.

6. Training

- a. The AVATAR III is maintained by the SWAT team and designated operators receive in house training on use. This training is conducted under the direction of SWAT supervisors.

7. Legal and Procedural Rules

- a. There is not a specific department instruction outlining the use of the robot. Use of the robot will be in accordance with all department instructions and applicable laws. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

II. Mine resistant ambush protected (MRAP) vehicles or armored personnel carriers. However, police version of standard consumer vehicles are specifically excluded from this subdivision.

A. The Department uses two armored personnel carriers.

1. Description, quantity, capabilities, and purchase cost

- a. Lenco BEARCAT G2. [Auth. 1 - O/H 1] Manufacturer description: "The Lenco BEARCAT G2 is an armored vehicle that seats 10-12 personnel with an open floor plan that allows for rescue of downed persons. It can stop various projectiles, which provides greater safety to the community members and officers beyond the protection level of shields and personal body armor." Cost: \$242,586.

- b. PEACE KEEPER. [Auth. 1 - O/H 1] (Acquired from the San Diego County Sheriff). The Peace Keeper is a wheeled armored vehicle that seats 6-8 personnel with an open floor plan that allows for rescue of downed persons. It can stop various projectiles, which provides greater safety to the community members and officers beyond the protection level of shields and personal body armor. Cost \$0.

2. Purpose

- a. To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

3. Authorized Use

- a. The authorized use of armored vehicles will be at the direction of the Watch Commander or SWAT Commander based on the specific circumstances of a given critical incident.

4. Expected Life Span

- a. Lenco Bearcat G2, 25 years.
- b. PEACE KEEPER, 30 years.

5. Fiscal Impact

- a. Funding source:
 - i. Bearcat was purchased with funds from California Emergency Management Agency.
 - ii. Peacekeeper was acquired through the 1033 Program.
- b. Annual maintenance and fuel costs for both vehicles: approximately \$10,000.

6. Training

- a. All driver/operators will attend formalized instruction and be trained in vehicle operations and practical driving instruction.

7. Legal and Procedural Rules

- a. Department Instruction 1.15 Emergency Vehicle Operation provides additional rules addressing the employment of this category of equipment. The Department uses breaching equipment and consumables in accordance with the Department's Tactical Operations Group manuals. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

III. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.

- A. The Department does not use any vehicles in this category.

IV. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion. The Department does not use any vehicles in this category.

A. The Department does not use any vehicles in this category.

V. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

A. **The Department has one Mobile Incident Command Vehicle (MIC).** Although defined as “military equipment” the Departments MIC has no military function. Rather it is a commercially available product modified to provide a mobile office and command post to enable police supervisors to safely, efficiently and effectively manage the law enforcement response to critical incidents, and events.

1. Description, quantity, capabilities, and purchase cost

- a. Chevrolet Workhorse Class A Motorhome, 2007 model, converted to house dispatch consoles, work stations, and meeting space. [Auth. 1 - O/H 1] Cost \$322,114.

2. Purpose

- a. To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.

3. Authorized Use

- a. The MIC shall be used by officers trained in their deployment and in a manner consistent with Department policy and training.

4. Expected Life Span

- a. The MIC, 15-year lifespan on chassis and vehicle structure.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget and Escondido Fire Department Homeland Security Grant Funds.
b. Maintenance and fuel costs are approximately \$1,000.

6. Training

- a. The driver/operator receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

7. Legal and Procedural Rules

- a. The Department has no specific rules or limitations regarding the use of a converted motorhome. Use shall be in accordance with California State law regarding the operation of motor vehicles.

B. The Department uses one Emergency Negotiation Team (ENT) vehicle. The ENT vehicle facilitates all of the functions of emergency negotiations during a critical incident. The vehicle contains phone/work stations, a conference space, and houses ENT equipment. Though customized for a specific mission, the vehicle is a commercially available product and not a traditional piece of military equipment.

1. Description, quantity, capabilities, and purchase cost
 - a. Utilimaster Utilivan II, model year 2002, cab and chassis with an upgraded box that houses a work space and equipment. [Auth. 1 - O/H 1] The vehicle was originally purchased for a different city department for \$90,633. It was re-purposed for ENT and the box retrofit cost \$36,976.
2. Purpose
 - a. To be utilized for critical incident callouts.
3. Authorized Use
 - a. The ENT vehicle used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license.
4. Expected Life Span
 - a. The ENT vehicle has a 30-year lifespan on a chassis and vehicle.
5. Fiscal Impact
 - a. Funding source for the retrofit: Escondido Police Department Asset Forfeiture Funds.
 - b. Maintenance and fuel costs: approximately \$600.
 - i. Escondido Police Department Operating Budget.
6. Training
 - a. Operators will receive practical training on driving the vehicle.
7. Legal and Procedural Rules
 - a. The Department has no specific rules or limitations regarding the use of a converted van. Use shall be in accordance with California State law regarding the operation of motor vehicles.

VI. Weaponized aircraft, vessels, or vehicles of any kind

- A. The Department does not use any vehicles in this category.

VII. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

- A. The Department SWAT unit uses a variety of breaching equipment and consumables that are commonly used by similar specialize units throughout the law enforcement community. Breaching equipment and supplies are not generally available for public sale.

1. Description, quantity, capabilities, and purchase cost

- a. DETONATING CORD. [Auth. 1000 ft. - O/H 1000 ft.] Manufacturer description: “The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high- speed fuse which explodes, rather than burns, and is suitable for detonating high explosives.” Cost: \$1 per foot.

i.	2023	
ii.	Expenditures	\$106
iii.	Acquisitions	\$0

- b. C 2 DETASHEET EXPLOSIVES. [Auth. 40 ft. - O/H 0 ft.] Manufacturer description: “DETASHEET® Flexible Explosive) is a waterproof PETN-based (63% nominal) flexible sheet explosive. It is manufactured as a continuous roll of varying lengths and thicknesses for a wide range of applications. It can be easily cut to any desired shape and applied with adhesive or incorporated into a charge holder. The flexible sheet can be applied as strips directly on the target or used to improvise linear shape charges.” Cost \$20 per foot.

i.	2023	
ii.	Expenditures	\$400
iii.	Acquisitions	\$0

- c. BLASTING CAP. [Auth. 60 - O/H 19] Manufacturer description: “A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.” Cost: \$12 each.

i.	2023	
ii.	Expenditures	\$130
iii.	Acquisitions	\$0

- d. ROYAL REMINGTON 870 EXPRESS BREACHING SHOTGUN. [Auth. 4 - O/H 4] Manufacturer description: “This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand- off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).” Cost: \$380 each.
 - i. 2023: No change.
- e. ROYAL ARMS TESAR #1 ORANGE CAP 275 GRAIN COPPER FRANGILBE BREACHING ROUND. [Auth. 300 - O/H 160] The round is fired from a breaching shotgun and is used to defeat solid wood doors, locks, and hinges. Cost: \$2.60 per round.
 - i. 2023
 - ii. Expenditures \$45
 - iii. Acquisitions \$65
- f. ROYAL ARMS TESAR #2 BLACK CAP 425 GRAIN COPPER FRANGILBE BREACHING ROUND. [Auth. 100 - O/H 50] The round is fired from a breaching shotgun and is used to defeat heavy locks, deadbolts, and hinges on solid oak or steel doors. Cost: \$2.90 per round.
 - i. 2023: No change.
- g. ROYAL ARMS HP-Cutter PURPLE CAP 450 GRAIN HOLLOW POINT REBAR CUTTER ROUND. [Auth. 40 - O/H 20] The round is fired from a breaching shotgun and is used to cut re-bar, penetrates security glass, car doors, and punches into engine blocks. Cost: \$2.90 per round.
 - i. 2023: No change.
- h. ROYAL ARMS FB-82H 82 PINK CAP 82 GRAIN FLASH BANG HARD. [Auth. 200 - O/H 193] The round is fired from a breaching shotgun and is used as a diversionary device for disorientation or as a breaching round for solid wood doors, light steel, sliders, or car windows. Cost: \$2.90 per round.
 - i. 2023
 - ii. Expenditures \$52
 - iii. Acquisitions \$0

2. Purpose
 - a. To safely gain entry into a structure while minimizing the risk of harm to those inside the structure
3. Authorized Use
 - a. Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
4. Expected Life Span
 - a. Detonating cord - 10 years. Blasting Caps - 10 years.
 - b. Breaching Shotgun - 25 years.
 - c. All Royal Arms breaching rounds – 5 years.
5. Fiscal Impact
 - a. Funding source: Escondido Police Department Operating Budget.
 - b. Annual consumable replacement costs: approximately \$500.
6. Training
 - a. All officers who use explosive breaching tools shall attend an 11-day Master Tactical Breacher course and must additionally receive quarterly training for explosive operations. All officers utilizing breaching shotgun rounds will receive department approved training from a Master Tactical Breacher.
7. Legal and Procedural Rules
 - a. Department Instruction 1.24 and 1.46 provide detailed rules addressing the use of force and the employment of this category of equipment. The Department uses breaching equipment and consumables in accordance with the Department's Tactical Operations Group manuals. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

VIII. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

- A. The Department does not use any equipment in this category.

IX. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

- A. The Department does not use any equipment in this category.

X. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of

standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

- A. The Department uses rifles and ammunition at extended ranges to safely and accurately engage targets when authorized to do so. Most of the weapons are commercially available to the public, although weapons and ammunition may be restricted. The Department does not use or possess automatic weapons.

1. Description, quantity, capabilities, and purchase cost

- a. SIONICS Patrol Three SBR 5.56mm Rifle. [Auth. 170 – O/H 117] The Patrol Three rifle is a semi-automatic shoulder-fired long gun that fires a .223/5.56mm projectile. This rifle is a variant of the AR-15 style of rifle and is utilized by patrol and SWAT officers. Cost \$1522 to \$2,160 each depending on accessory configuration.
 - i. 2023:
 - ii. Expenditures \$0
 - iii. Acquisitions \$42,374
- b. Colt M4 Commando/LE 5.56 16” Rifle. [Auth. 170 – O/H 90] Manufacturer description: “The Colt Trooper® Patrol Carbine is a modernized, pro-quality semi- automatic Modern Sporting Rifle based on Colt's legendary M4 platform.” This rifle is utilized by officers outside of the SWAT unit. Cost \$1,049-\$2160 each.
 - i. 2023: No change in Expenditures/Acquisitions. Inventory reduced by sale of older rifles to FFL.
- c. Colt Commando M4 5.56mm Rifle. [Auth. 4 - O/H 0] The M4 Commando is a compact rifle of US origin. Whereas the original Colt Commando was based on the M16A1, the M4 Commando is based on the improved and NATO compliant M16A2. Just like its predecessor it fills a gap between pistol caliber sub machine guns and carbines and rifles that have a longer effective range. Cost \$1,400 each.
 - i. 2023: No change in Expenditures/Acquisitions. Inventory reduced by sale of older rifles to FFL.
- d. Seekins Precision, Inc. SP10 18” Rifle (308 Winchester). [Auth. 4 - O/H 4] The SP10 is a semi-auto 308 caliber precision rifle utilized by SWAT Snipers. The SP10's proprietary design of the upper receiver and handguard provides a rigid, no-flex platform for repeatable, extreme accuracy under any condition. The SP10 lower receiver offers full ambidextrous controls allowing effective, efficient manipulation of the weapon from either side. The SP10 is the perfect large-frame AR platform for hunting, competition, or duty use. Cost \$2,340.

- i. 2023: No change.
- e. ArmaLite AR-10 18" Barrel 308 Caliber Rifle. [Auth. 1 - O/H 1] The AR-10 is a semi-auto 308 caliber rifle that is utilized primarily by SWAT. Cost \$0, acquired from the United States Department of Justice at no cost.
 - i. 2023: No change.
- f. ArmaLite/Eagle Arms AR-10 20" Barrel 308 Caliber Rifle. [Auth. 1 - O/H 1] The AR-10 is a semi-auto 308 caliber rifle that is utilized primarily by SWAT. Cost \$ 0, acquired from the United States Department of Justice at no cost.
 - i. 2023: No change.
- g. Winchester 5.56mm 64GR Bonded Solid Base Rifle Round. [Auth. 30,000 - O/H 27,000] Manufacturer description: "The Winchester Ranger 5.56mm 64gr Bonded Solid Base rifle duty ammunition has a protected soft point designed to initiate rapid and controlled expansion to quickly stop a potential threat. Its bonded lead core maximizes retained weight for consistent terminal performance through a wide range of demanding barriers. The extruded solid base design maximizes penetration even after encountering a tough barrier such as auto glass. For law enforcement and military personnel only." The duty round that it utilized in SIONICS and Colt rifles. Cost \$897 per 1,000 rounds.
 - i. 2023
 - ii. Expenditures \$15,249
 - iii. Acquisitions \$26,910
- h. Winchester 5.56mm 55GR FMJ Rifle Round. [Auth. 75,000 - O/H 59,000] Manufacturer description: "Backed by generations of legendary excellence, Winchester "USA White Box" stands for consistent performance and outstanding value, offering high-quality ammunition to suit a wide range of hunter's and shooter's needs." The training round that is utilized in the SIONICS and Colt rifles. Cost \$416 per 1,000 rounds.
 - i. 2023:
 - ii. Expenditures \$22,880
 - iii. Acquisitions \$34,944
- i. Hornady 308 Win 168GR A-MAX TAP Rifle Round. [Auth. 16,000 - O/12 14,710] Manufacturer description: "The 168 gr. A-MAX® bullet is a traditional match grade bullet with the performance advantages of a polymer tip. This bullet demonstrates an increase in penetration and retained weight over the 155 gr. A-MAX® bullet. Standard barrier

performance is exemplary and this load demonstrates controlled and impressive soft tissue expansion without over penetration. The Hornady® 168 gr. A-MAX® TAP Precision® offers industry leading all-around performance for law enforcement precision marksmen providing the ability to stop a threat.” The duty round for open air applications for the Seekins Precision SP10. Cost \$950 per 1,000 rounds.

- i. 2023:
 - ii. Expenditures \$2,287
 - iii. Acquisitions \$5,000

- j. Hornady 308 Win 165GR GMX TAP Barrier Rifle Round. [Auth. 4,000 - O/H 2,000] Manufacturer description: “TAP® Heavy Barrier™ turns cover into concealment. The 165 gr. GMX® TAP® Heavy Barrier™ is constructed of a monolithic copper alloy. It shoots cleaner than pure copper, fouls less and delivers devastating terminal performance. The GMX® bullet penetrates heavy barriers such as 1" laminated glass with exceptional weight retention while still delivering superior terminal performance.” The duty round for shooting through barriers, such as glass, utilized in the Seekins Precision SP10. Cost \$850 per 1,000 rounds.
 - i. 2023: No change.

- k. Ruag 308 Win 164GR Tactical Armor Piercing Rifle Round. [Auth. 1,000 - O/H 500] Manufacturer description: “To be prepared for every scenario, snipers require a round with high penetration power on hard targets such as reinforced glass, body- and light vehicle armour. Because the core stays intact during penetration, it transfers extremely effective residual energy to hard targets. The bullet jacket provides best accuracy, protects the barrel and is stripped off upon impact.” The duty round for shooting through hardened barriers utilized in the Seekins Precision SP10. Cost \$800 per 300 rounds.
 - i. 2023: No change.

- l. Hornady 308 Win 110GR TAP Urban Rifle Round. [Auth. 20,000 - O/H 8,000] Manufacturer description: “This cartridge provides the police marksman a unique bullet that demonstrates rapid expansion, fragmentation and low retained weight. The 110 gr. TAP Urban® bullet offers the least penetration in ballistic gelatin and lower felt recoil as compared to heavier TAP® loads. The 110-gr. bullet demonstrates similar penetration to the 223 Rem 75 gr. BTHP bullet, but with substantially more temporary and permanent cavity and fragmentation, proving itself an excellent choice for high collateral risk environments.” The duty round for the ArmaLite AR-10. Cost \$950 per 1,000 rounds.
 - i. 2023: No change.

- m. Federal 308 Win 150GR FMJ Boat Tail Rifle Round. [Auth. 4,000 - O/H 2,000] Manufacturer description: "Invest in deep penetration with Federal American Eagle Rifle Ammunition .308 150GR FMJ 20 Box. Feed your rifle quickly. Give your rifle nothing short of perfect cycling with a noncorrosive finish and the top ammo you can find from a reliable ammo company. What has kept many loyalists buying this rifle ammunition besides the familiar feel and performance is the company's wide range of bullets with unique features designed for use in different conditions and for different shooters." One of the training rounds for the ArmaLite AR-10. Cost \$772 per 1,000 rounds.

- i. 2023: No change.

- n. Winchester 308 Win 147GR FMJ Rifle Round. [Auth. 4,000 - O/H 3,800] Manufacturer description: "This Winchester USA centerfire rifle ammo is the ideal choice for training or extended sessions at the range and provides several features such as no expansion, positive functioning, good accuracy, and no barrel leading." One of the training rounds for the ArmaLite AR-10. Cost \$760 per 1,000 rounds.

- i. 2023:
 - ii. Expenditures \$0
 - iii. Acquisitions \$948

2. Purpose

- a. To be used as precision weapons to address a threat with more accuracy and/or greater distances than a handgun, if present and feasible, while minimizing risk to officers and the community.

3. Authorized Use

- a. Only members that have completed the EPD rifle training program are authorized to use a rifle. SWAT operators attend additional rifle training courses and are authorized to use a rifle.

4. Expected Life Span

- a. Various manufacturers. Various calibers, models, and types. Lifespan varies on usage and wear.

5. Fiscal Impact

- a. Funding sources: Escondido Police Department Operating Budget, Asset Forfeiture Funds and the U.S. Department of Justice.
- b. Annual consumable replacement costs: approximately \$50 per rifle.

6. Training

- a. Officers must attend a two-day in-house rifle training program before they are issued a rifle. They must then qualify with the rifle three times

annually. SWAT operators attend additional training courses and train twice per month.

7. Legal and Procedural Rules

- a. Department Instruction 1.2B Equipment and Weapons and 1.5 Use of Firearms provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

XI. Any firearm or firearm accessory that is designed to launch explosive projectiles.

- A. The Department does not use any equipment in this category.

XII. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

- A. The Department uses a variety of distraction devices, otherwise known as “flashbangs,” to produce intense noise and light in order to temporarily disorient dangerous suspects during high risk arrests/warrant services and hostage rescues.**

1. Description, quantity, capabilities, and purchase cost

- a. Defense Technology Low Roll 12-gram Reloadable Distraction Device. [Auth. 250 - O/H 124] Manufacturer description: “The Distraction Device Reload utilizes a standard military-style M201A1 type fuze and produces 175 dB of sound output at 5 feet and 6- 8 million candelas for 10 milliseconds.” Cost: \$36 each
- i. 2023:
- | | | |
|----|--------------|---------|
| a) | Expenditures | \$684 |
| b) | Acquisitions | \$1,728 |
- b. Combined Systems Model 7290 7 Bang. [Auth. 15 - O/H 12] Manufacturer description: “The patented multi-bangs feature top and bottom non-fragmenting, minimal movement devices that perform with high reliability incorporating CTS Superior fuze components with the patented and US Army adopted Confidence Clip and pin shroud.” Cost: \$141 each.
- i. 2023: No change.
- c. Combined Systems Model 7290M Mini-Bang. [Auth. 50 - O/H 0] Manufacturer description: “The CTS 7290M Mini Flash-Bang is the newest generation in the evolution of the Flash-Bang. Our Model 7290M Flash-Bang exhibits all of the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new

7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candela of light. The patented design of the 7290M, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.” Cost: \$32 each.

i. 2023: No change.

2. Purpose

a. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

3. Authorized Use

a. SWAT Operators and Mobile Field Force officers that have received authorized training shall use Diversionary Devices only under the following:

- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high-risk situations where their use would enhance officer safety.
- v. During training exercises.

4. Expected Life Span

a. All distraction devices, 5 years.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget.
- b. Annual consumable replacement costs: approximately \$6,000.

6. Training

a. Prior to use, officers must attend diversionary device training that is conducted by POST certified instructors.

7. Legal and Procedural Rules

a. Department Instruction 1.46 Use of Specialty Munitions provides detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

B. The Department uses chemical Agent and Smoke Canisters: to disperse rioters, and flush out armed suspects to help minimize using higher levels of force that could impact

officer and community safety. Although the manufactures label their devices as grenades, the equipment used by the Department are not explosive.

1. Description, quantity, capabilities, and purchase cost

- a. DEFENSE TECHNOLOGY, SPEDE-HEAT CONTINUOUS DISCHARGE GRENADE, CS, #1072. [Auth. 50 - O/H 10] Manufacturer description: “The Spede-Heat CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.” Cost: \$25 each.

i. 2023:

a)	Expenditures	\$275
b)	Acquisitions	\$0

- b. DEFENSE TECHNOLOGY, RIOT CONTROL CONTINUOUS DISCHARGE GRENADE, CS, #1082 [Auth 50, - O/H 10] Manufacturer description: “The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in by 2.35 in. and holds approximately 2.7 oz. of active agent.

i. 2023: No change.

- c. DEFENSE TECHNOLOGY, POCKET TACTICAL GRENADE, CS #1016. [Auth. 50 - O/H 10] Manufacturer description: “The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full-size tactical grenade.” Cost \$22 each.

i. 2023:

a)	Expenditures	\$175
b)	Acquisitions	\$0

- d. DEFENSE TECHNOLOGY, FLAMELESS EXPULSION CS GRENADE, #2042. [Auth. 25 - O/H 22] Manufacturer description: “The CS Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It

is safe to use inside of a residence. Unlike pyrotechnical grenades, this device's contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately .16 oz. of active agent during its 3-second discharge time." Cost: \$48 each.

- i. 2023: No change.
- e. DEFENSE TECHNOLOGY, MAXIMUM HC SMOKE MILITARY-STYLE CANISTER, #1073. [Auth. 25 - O/H 3] Manufacturer description: "The Military-Style Maximum Smoke Grenade comes from the Defense Technology #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes." Cost: \$38 each.
 - i. 2023: No acquisitions. Munitions expired.
- f. DEFENSE TECHNOLOGY, POCKET TACTICAL GRENADE, SAF-SMOKE™, and #1017. [Auth. 10 - O/H 0] Manufacturer description: "The Pocket Tactical Saf-Smoke™ Grenade is small, and lightweight. The Saf-Smoke™ will burn approximately 20- 40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though it is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade." Cost \$18 each.
 - i. 2023: No acquisitions. Munitions expired.
- g. DEFENSE TECHNOLOGY, STINGER 32 CALIBER RUBBER BALL GRENADE, #1090SC. [Auth. 20 - O/H 0] Manufacturer description: "The Stinger® Rubber Ball Grenade with safety clip is a maximum effect device that delivers three stimuli for psychological and physiological effects: rubber pellets, light, and sound. The Stinger® Rubber Ball Grenade is most widely used as a crowd management tool by Law Enforcement and Corrections. The Stinger® Rubber Ball Grenade has an initial 1.5 second delay that initiates fuze assembly separation, followed by another .5 second delay before the blast which is sufficient to project the rubber balls in a 50-foot radius." Cost \$45 each.
 - i. 2023: No acquisitions. Munitions expired.
- h. DEFENSE TECHNOLOGY, HAN-BALL GRENADE CS, #1092. [Auth. 20 - O/H 10] Manufacturer description: "The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 in. tall,

including the fuze head, and 3.1 in. diameter. This launchable grenade holds approximately 1.6 oz. of active agent which is expelled through three ports around the equator of the ball. Due the intense heat generated by this grenade, it should not be used inside a building or near flammable material.” Cost \$45 each.

i. 2023: No change.

- i. COMBINED TACTICAL SYSTEMS, RIOT CS SMOKE, #5230. [Auth. 60 - O/H 30] Manufacturer description: “Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched. Discharge duration can reach up to 40 seconds.” Cost \$37 each.

i. 2023: No change.

- j. COMBINED TACTICAL SYSTEMS, CS BAFFLED CANISTER GRENADE, PYRO, LOW FLAME POTENTIAL, #5230B. [Auth. 50 - O/H 17] Manufacturer description: “Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire.” Cost \$37.

i. 2023:

a)	Expenditures	\$407
b)	Acquisitions	\$0

- k. COMBINED TACTICAL SYSTEMS, RIOT CS SMOKE TRIPLE-PHASER, #5231. [Auth. 30 - O/H 15] Manufacturer description: “CS Triple Phaser canister grenade is a large diameter grenade consisting of 3 separate aluminum canisters pressed together with separate charges between each canister. When deployed, the grenade will separate over a broad space to give a wider area of coverage. Can be launched or thrown.” Cost \$37 each.

i. 2023: No change.

- l. COMBINED TACTICAL SYSTEMS, WHITE SMOKE CANISTER GRENADE, #5210 and #6210. [Auth. 30 - O/H 27] Manufacturer description: “White outdoor smoke grenades are used for obscuring tactical movement and signaling or marking a landing zone.” Cost \$37 each.

i. 2023:

a)	Expenditures:	\$111
b)	Acquisitions:	\$0

- m. COMBINED TACTICAL SYSTEMS, BLUE SMOKE CANISTER GRENADE, #6210B. [Auth. 10 - O/H 5] Manufacturer description: “Blue outdoor smoke grenades are used for obscuring tactical movement and signaling or marking a landing zone.” Cost \$37 each.

- i. 2023: No change.

- n. COMBINED TACTICAL SYSTEMS, WHITE SMOKE TACTICAL CANISTER GRENADE, #8210. [Auth. 10 - O/H 3] Manufacturer description: “Small diameter pyrotechnic irritant smoke grenade for outdoor use to disperse crowds. Emits smoke for up to 30 seconds and is small enough to carry in a pocket. Can be hand thrown or launched.” Cost \$32 each.

- i. 2023: No change.

- o. COMBINED TACTICAL SYSTEMS, RED SMOKE TACTICAL CANISTER GRENADE, #8210R. [Auth. 10 - O/H 2] Manufacturer description: “Small diameter pyrotechnic irritant smoke grenade for outdoor use to disperse crowds. Emits smoke for up to 30 seconds and is small enough to carry in a pocket. Can be hand thrown or launched.” Cost \$32 each.

- i. 2023:

- a) Expenditures \$32
 - b) Acquisitions \$0

2. Purpose

- a. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:
 - i. Self-destructive, dangerous and/or combative individuals.
 - ii. May only be used in riots and civil unrest incidents in accordance with all applicable laws.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.

3. Authorized Use

- a. Only officers who have received training from POST certified instructors in the use chemical agents are authorized to use chemical agents.

4. Expected Life Span

- a. 5 years from the manufacturing date.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget.
 - b. Annual consumable replacement costs: approximately \$10,000.
- 6. Training
 - a. Sworn members utilizing chemical agent canisters are trained by certified POST less lethal and chemical agents instructors.
- 7. Legal and Procedural Rules
 - a. Department Instruction 1.6 Use of Tear Agents and Equipment and 1.46 Use of Specialty Munitions provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>
- C. **Combined Systems LC5 40mm Launching Cup:** Cups that attach to 12 gauge less lethal shotguns which allow officers to launch canisters of chemical agents or smoke.
 - 1. Description, quantity, capabilities, and purchase cost
 - a. COMBINED SYSTEMS, LC5 40MM LAUNCHING CUP. [Auth. 4 - O/H 2]. Manufacturer description: “The LC5 Launching Cups are designed for the 5200 series grenades. The cups can be attached to virtually any 12ga shotgun and the munition launched with our model 2600 launching cartridge.” Cost: \$302 each.
 - i. 2023:
 - a) Expenditures \$32
 - b) Acquisitions \$0
 - b. COMBINED SYSTEMS, 12GA LAUNCHING CARTRIDGE, #2600. [Auth. 50 - O/H 17] The 12ga Launching cartridge is to be used with the 52 series launching cup. Cost \$4 per round.
 - i. 2023:
 - a) Expenditures \$32
 - b) Acquisitions \$0
 - 2. Purpose
 - a. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
 - 3. Authorized Use
 - a. This equipment is authorized for use by SWAT officers who have received formal training by POST Certified Chemical Agents Instructors.
 - 4. Expected Life Span
 - a. Combined Systems LC5 40MM Launching Cup- 25 years.

5. Fiscal Impact
 - a. Funding source: Escondido Police Department Operating Budget.
 - b. No annual consumable replacement costs.
 6. Training
 - a. Officers utilizing the launching cups are trained in there use by SWAT POST certified chemical agents instructors.
 7. Legal and Procedural Rules
 - a. Department Instruction 1.6 Use of Tear Agents and Equipment and 1.46 Use of Specialty Munitions provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>
- D. **“Pepper Balls”**. A non-lethal munitions system that employs paint ball style launchers to fire 0.68 caliber; spherical munitions commonly referred to as “pepper balls” that contain powdered chemical agents such as OC in place of the paint. These munitions use a delivery system combines chemical agent exposure with kinetic energy impact to aid in its effectiveness in addressing armed and/or violent individuals or crowds. “Pepper ball” munitions also include glass breaking rounds and marking rounds.
1. Description, quantity, capabilities, and purchase cost
 - a. **PepperBall™ brand products:**
 - i. PepperBall™ SA200 Launcher. [Auth. 4 – O/H 4] The PepperBall™ SA200 is the Tippmann Pro/Carbine launcher used widely in the paintball arena as a rental marker. It was sold by PepperBall™ from 1999 to 2006. The launcher features a horizontal forearm grip and breech opening similar to a shotgun. This is one of the most reliable air-powered launchers ever designed and with proper maintenance, should last law enforcement and military customers for decades to come. Tippmann stopped production of this launcher in 2006. Cost \$140 each.
 - ii. PepperBall™ VKS Launcher [Auth 4 – O/H 1] Manufacturer Description: “The VKS is a top-tier, semi-automatic launcher with adjustable kinetics, and a game-changer in non-lethal operations. Deploy .68 caliber round or long-range VXR™ projectiles for added flexibility. The VKS mirrors the AR-15 platform, making it easy to adopt and integrate into agency programs.” Cost \$0, acquired from the PepperBall™ corporation at no cost.

- a) 2023:
 - 1) Expenditures \$0
 - 2) Acquisitions \$0

- iii. PepperBall™ Tac 700 Launcher [Auth 2 – O/H 1] Manufacturer description: The PepperBall TAC 700 Full Auto launcher brings full automatic capability, with up to 700 rounds per minute, to your non-lethal PepperBall launcher options. The Pepper Ball TAC700 is a compressed air powered launcher that shoots .68 caliber rounds. Officers can quickly create large pepper clouds for crowd control, barricade busting, or more quickly achieve individual suspect compliance. Optional trigger settings assure the TAC 700 can be set-up to conform to agency policy while giving officers the right capabilities to achieve their goals.” (This launcher has since been discontinued). Cost \$0, acquired from the PepperBall™ corporation at no cost.
 - a) 2023
 - 1) Expenditures \$0
 - 2) Acquisitions \$0

- iv. PepperBall™ Live Projectile (Red/White). [Auth. 5,000 – O/H 2,250] Manufacturer description: “The basic PepperBall™ projectile, it contains 0.5% PAVA, and is excellent for direct impact and area saturation, especially in confined, interior spaces.” Cost \$1,000 per 375 projectiles.
 - a) 2023: No change.

- v. PepperBall™ Live SD Projectile (Red). [Auth. 5,000 – O/H 750] Manufacturer description: “The live PepperBall round contains 2.0% PAVA. It is effective for direct impact and area saturation when there is no line of sight.” Cost \$1,000 per 375 projectiles.
 - a) 2023: No change.

- vi. PepperBall™ Inert Projectile (Purple). [Auth. 5,000 – O/H 1,500] Manufacturer description: “Containing a harmless, scented powder, this projectile is best suited for training, qualifications, and direct impact when chemical exposure is not desired.” Cost \$355 per 1,500 projectiles.
 - a) 2023: No change.

- vii. PepperBall™ Marking Projectile. [Auth. 1,000 – O/H 250] Manufacturer description: “This projectile contains a paint solution that can be used to mark suspects for later apprehension

and/or marking doors, openings, or objects for identification.”
Cost \$200 per 250 projectiles.

a) 2023: No change.

b. SABRE Brand Products:

i. SABRE SL-R1 Series Launcher [Auth. 50 – O/H 0] Manufacturer description: “The SABRE fully pneumatic & semi-automatic SL-R1 series 0.68 Caliber Launcher is purpose built for the law enforcement and corrections end user purpose. It is not simply a consumer product that has been rebranded and sold at a premium to law enforcement. The SABRE SL-R1 series 0.68 Caliber Launcher contains an offset rigid adjustable stock. This is an upgrade over our present system. Often we will be masked up or wearing a helmet. The offset gives a much better ability to sight the launcher. The SABRE SL-R1 series 0.68 Caliber Launcher utilizes both an ambidextrous safety and charging handle.” Cost \$600 per launcher.

a) 2023: No change (New Authorization)

ii. SABRE SPMCP Projectile (Black/Orange) [Auth 10,000, O/H 0] Manufacturer description: 1% Major Capsaicinoids (MC)/4% PAVA projectile designed for direct impact up to 60 feet and area saturation up to 175 feet. Ideal for Crowd/Riot control, combative suspects, high risk transports, and correctional applications. Cost \$950 per 500 projectiles.

a) 2023: No change (New Authorization)

iii. SABRE SPINERT Projectile (White/Yellow) [Auth 5000, O/H 0] Manufacturer description: Inert training powder projectile. Cost \$315 per 500 projectiles.

a) 2023: No change (New Authorization)

iv. SABRE SPGB Projectile (All white) [Auth 1000; O/H 0]. Manufacturer Description: Solid nylon projectile designed for glass breaking. NOT FOR HUMAN TARGETS. Cost \$775 per 500 projectiles.

a) 2023: No change (New Authorization)

v. SABRE SPIDM Projectile (Yellow/Black) [Auth 2500, O/H 0]. Manufacturer Description: I.D. marking powder projectile. Cost \$335 per 500 projectiles.

a) 2023: No change (New Authorization)

2. Purpose

- a. “Pepper ball” launchers give officers the ability to address an armed and/or violent suspect(s) with a non-lethal munition that delivers both chemical agent and kinetic energy impact. This combination can be extremely effective in gaining compliance or reducing threat potential with an armed and/or violent suspect(s). Officers can also choose to deploy a mixture of chemical agent rounds and marking rounds. Marking rounds help identify suspect(s) who may have eluded capture during the initial use of force. Due to its design, “pepper balls” can be delivered from a larger standoff distance allowing for an added degree of officer safety. Its high round capability and accuracy allow for its use in a wide variety of operational environments.

3. Authorized Use

- a. The use of “pepper ball” munitions during patrol and other tactical scenarios is subject to compliance with Department Instructions and applicable case law.
- b. The use of “pepper ball” munitions for crowd control purposes is only authorized under certain circumstances and is contingent on the approval of a MFF supervisor or on scene incident commander absent exigent circumstances.

4. Expected Life Span

- a. Launchers – No manufacturer life span indicated by either manufacturer.
- b. Munitions – Approximately three (3) year shelf life indicated by both manufacturers.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget.
- b. Annual consumable replacement costs: approximately \$2,000

6. Training

- a. PepperBall™ and SABRE Launchers are used by officers and supervisors who have received instruction from a POST certified Chemical Agents and/or Less Than Lethal Instructor. PepperBall™ and SABRE instructors also attend a factory certified Instructor course.
- b. Qualified officers and supervisors train annually with the “Pepper ball” launcher system(s).

7. Legal and Procedural Rules

- a. Department Instruction 1.6 Use of Tear Agents and Equipment and 1.46 Use of Specialty Munitions provide detailed rules addressing the use of force and the employment of this category of equipment. The Department

makes policy and procedure documents available to the public at:
<https://police.escondido.org/view-policy-and-procedure-documents.aspx>

XIII. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

A. LRAD: Long Range Acoustical Device (LRAD) is a high intensity directional acoustical array for long range, crystal clear hailing, notification, and an unmistakable warning tone. The LRAD is primarily used as a communication device.

1. Description, quantity, capabilities, and purchase cost

- a. GENASYS LRAD 100X. [Auth. 2 – O/H 1] Manufacturer description: “Self- contained, portable, and featuring an extended voice broadcast range out to 600 meters, the LRAD 100X ensures voice messages are clearly heard and understood. LRAD’s optimized driver, waveguide, and power efficiency technologies enable the LRAD 100X to provide several hours of clear, continuous communication from a single battery charge.” Cost \$15,410.

- i. 2023: No change.

2. Purpose

- a. To be used to issue dispersal orders during crowd and riot control situations or to address the public in the event of civil emergencies, natural disasters, evacuations, and police incidents (e.g., missing persons, perimeters for wanted suspects/ K9 deployments, etc.). The LRAD may also be used to issue a warning tone.

3. Authorized Use

- a. The LRAD shall only be used by officers trained in its deployment and used in a manner consistent with Department policy and training.

4. Expected Life Span

- a. 25 years.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget
b. Annual consumable replacement costs: approximately \$100.

6. Training

- a. All operators receive training prior to operating any of the LRAD’s in the field.

7. Legal and Procedural Rules

- a. Department Instruction 1.30 Long Range Acoustical Device (LRAD) provides detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

XIV. 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

- A. 40mm Launchers and Rounds: 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact rounds or chemical agents.

- 1. Description, quantity, capabilities, and purchase cost

- a. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, #1425. [Auth. 170 – O/H 77] Manufacturer description: “The 40MM Single Launcher is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet.” Cost \$1066 each.

- i. 2023

- a) Expenditures: \$0
 - b) Acquisitions: \$17,056

- b. PENN ARMS, 40MM TACTICAL 6-SHOT LAUNCHER. [Auth. 4 – O/H 2] Manufacturer description: “A 40mm pump-action advance magazine drum launcher. It has a six-shot capacity and rifled barrel.” Cost \$3,275 each.

- i. 2023: No change.

- c. DEFENSE TECHNOLOGY, 40MM 4-SHOT LAUNCHER, #1440 [Auth 4- O/H 2] Manufacturer Description: “The Defense Technology® #1440 is a Tactical 40mm 4-Shot Launcher that features an expandable ROGERS Super Stoc™ and an adjustable Picatinny mounted front grip. The Tactical 4-Shot will fire standard 40mm Less Lethal ammunition, up to 4.8 inches in cartridge length. Lightweight and tactical, this weapon is NOT designed to fire 40mm High Velocity HE munitions. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.” Cost \$1975

- i. 2023: No change.

- d. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT SPONGE, #6325. [Auth. 2,500 – O/H 730] Manufacturer description: “A less lethal

40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft./lbs. of energy on impact. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 131 feet from the target.” Cost \$18 each.

- i. 2023:
 - a) Expenditures \$108
 - b) Acquisitions \$0

- e. DEFENSE TECHNOLOGY, EXACT IMPACT™ LE 40 MM EXTENDED RANGE SPONGE ROUND, #6325LE. [Auth. 50 – O/H 6] Manufacturer description: “The eXact iMPact™ 40 mm Sponge Round is a point-of-aim, point-of-impact direct- fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher’s rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.” Cost \$18 each.

- i. 2023: No change.

- f. DEFENSE TECHNOLOGY, DIRECT IMPACT® 40 MM OC CRUSHABLE FOAM ROUND, #6320. [Auth. 25 – O/H 10] Manufacturer description: “The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with OC powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.” Cost \$21 each.

- i. 2023: No change.

- g. DEFENSE TECHNOLOGY, DIRECT IMPACT® 40MM CS CRUSHABLE FOAM ROUND, #6322. [Auth. 50 – O/H 0] Manufacturer description: “The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with CS powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.” Cost \$21 each.

- i. 2023: No acquisitions. Munitions expired.

- h. DEFENSE TECHNOLOGY, DIRECT IMPACT® 40MM MARKING CRUSHABLE FOAM ROUND, #6326. [Auth. 50 – O/H 12] Manufacturer description: “The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with a green marking agent, the Direct Impact can be used to indicate the aggressor in a crowd or riot situation to the team on the ground.” Cost \$18 each.
 - i. 2023: No change.
- i. DEFENSE TECHNOLOGY, FERRET 40MM LIQUID BARRICADE PENETRATOR ROUND, #2262. [Auth. 100 – O/H 19] Manufacturer description: “A less lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.” Cost \$23 each.
 - i. 2023:
 - a) Expenditures \$391
 - b) Acquisitions \$0
- j. DEFENSE TECHNOLOGY, MUZZLE BLAST 40MM ROUND, OC, 6040. [Auth. 25 – O/H 0] Manufacturer description: “The 40 mm Muzzle Blast OC Round is widely used as a crowd management tool for the immediate and close deployment of chemical agent. It can also be employed in tactical operations such as barricaded subjects for area denial, area contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden OC powder at close ranges for indoor or outdoor operations. It has a maximum effective range of 30 feet /9.1 meters.” Cost \$20 each.
 - i. 2023: No acquisitions. Munitions expired.
- k. DEFENSE TECHNOLOGY, MUZZLE BLAST 40MM ROUND, CS, 6042. [Auth. 50 -O/H 0] Manufacturer description: “The 40 mm Muzzle Blast CS Round is widely used as a crowd management tool for the immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for

deploying chemical-laden CS powder at close ranges for indoor or outdoor operations. The cloud of agent is very effective in filling holes in dispersals lines or engaging crowds at close distances.” Cost \$20 each.

i. 2023: No acquisitions. Munitions expired.

- l. COMBINED TACTICAL SYSTEMS, 40MM CS MUZZLE BLAST, #4630. [Auth. 25 – O/H 5] Manufacturer description: “A 40MM aluminum cartridge that launches a single projectile round emitting smoke or irritant agents via rapid burning. Used effectively during riots at safe stand-off distances to disperse groups or deny areas.” Cost \$28 each.

i. 2023: No change.

- m. COMBINED TACTICAL SYSTEMS, 40MM CS SMOKE, PYRO, 4.8” LONG, #4230. [Auth. 25 – O/H 5] Manufacturer description: “A 40MM aluminum cartridge that launches a single projectile round emitting smoke or irritant agents via rapid burning. Used effectively during riots at safe stand-off distances to disperse groups or deny areas.” Cost \$28 each.

i. 2023: No change.

- n. COMBINED TACTICAL SYSTEMS, 40MM CS MULTI 3 SMOKE, 4.8” LONG, #4233. [Auth. 25 – O/H 14] Manufacturer description: “This 40MM aluminum cartridge launches 3 sub-munitions that emit CS via rapid burning. The munition is used from a stand-off distance and it is effective to disperse unruly crowds or deny areas during riots and civil disorder.” Cost \$28 each.

i. 2023: No change.

- o. DEFENSE TECHNOLOGY, 40MM WARNING/SIGNALING MUNITION, 100 METER, #6029WS. [Auth. 25 – O/H 4] Manufacturer description: “The 40mm Aerial Warning/Signaling Munition, 100 meters, is intended for use in situations where stand-off distance is desired, giving the operator the ability to engage crowds, vehicles, or vessels. Launched from a 40mm platform, the munitions deflagrate at a set distance of 100 meters to deliver 170 dB of sound and 5 million candelas of light, noticeable in day or night conditions. A tactile feature on the nose of the cone indicates the designated distance.” Cost \$25 each.

i. 2023: No change.

- p. DEFENSE TECHNOLOGY, 40MM WARNING/SIGNALING MUNITION WITH CS, 100 METERS WITH PAYLOAD, #6029CS. [Auth. 25 – O/H 5] Manufacturer description: “The 40 mm Warning/Signaling Munition will produce 170 dB of sound and 5 million

candelas of light. This munition has an operational range of 100 meters. Launched from a 40 mm platform, this munition gives the operator the ability to engage people, vehicles or vessels from a safe stand-off position.” Cost \$28 each.

i. 2023: No change.

- q. DEFENSE TECHNOLOGY, SKAT SHELL SAF-SMOKE, #6173. [Auth. 25 – O/H 0] Manufacturer description: “The Skat Shell® 40 mm Saf-Smoke™ multiple chemical projectile round with four separate sub-munitions is designed to deliver multiple Saf- Smoke canisters from a 40 mm launcher. It is widely used as a crowd management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat Shell contains four separate sub-munitions that function individually. The small scattering effect and the rapid burning of the sub-munitions provide a wide area of coverage and has a maximum effective range of 80-100 yards.” Cost \$20 each.

i. 2023: No acquisitions. Munitions expired.

- r. DEFENSE TECHNOLOGY, STINGER 32-CALIBER RUBBER BALLS ROUND, #6096. [Auth. 25 – O/H 0] Manufacturer description: “The Stinger® 40 mm 32-Caliber Round is most widely used as a crowd management tool by Law Enforcement and Corrections. The round contains approximately 130 32-Caliber rubber balls. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37mm counterpart. It is suitable for administering a means of pain compliance over close to medium ranges of fire and for routing crowds or groups that are mildly resistive.” Cost \$30 each.

i. 2023: No acquisitions. Munitions expired.

- s. COMBINED TACTICAL SYSTEMS, 40MM CS LIQUID BARRICADE, SPIN STABILIZED, 4.1” LONG, #4330. [Auth. 100 – O/H 24] Manufacturer description: “Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room.” Cost \$28 each.

i. 2023 No change.

- t. COMBINED TACTICAL SYSTEMS, 40MM MULTI 3 FOAM BATON, SMOKELESS, 4.8” LONG, #4551. [Auth. 25 – O/H 9] Manufacturer description: “The Model 4551 Sponge Baton is a spin-stabilized projectile delivering blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance,

clothing, stature, and the point where the projectile impacts. CAUTION: Shots to the head, neck, thorax, heart, or spine can result in fatal or serious injury.” Cost \$28 each.

i. 2023: No change.

- u. COMBINED TACTICAL SYSTEMS, 40MM .31 CAL STING- BALLS, SMOKELESS, 4.8” LONG, #4553. [Auth. 25 – O/H 10] Manufacturer description: “The Model 4553 .31 Cal Sting-balls projectile delivering blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.” Cost \$28 each.

i. 2023: No change

- v. COMBINED TACTICAL SYSTEMS, 40MM .60 CAL STING- BALLS, SMOKELESS, 4.8” LONG. [Auth. 25 – O/H 9] Manufacturer description: “40MM crowd dispersal cartridge containing a payload of .60 caliber stinging pellets. To be fired below the belt-line at an approaching non-compliant individual or crowd.” Cost \$28 each.

i. 2023: No change

2. Purpose

- a. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

3. Authorized Use

- a. Situations for use of the less lethal weapon systems may include, but are not limited to:
 - i. Self-destructive, dangerous and/or combative individuals.
 - ii. May only be used in riot/crowd control and civil unrest incidents in accordance with all applicable laws.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.

4. Expected Life Span

- a. Defense Technology #1425 - 25 years.
- b. Penn Arms Multi-Launcher – 25 years.
- c. All munitions – 5 years.

5. Fiscal Impact

- a. Funding source: Escondido Police Department Operating Budget.
- b. Annual consumable replacement costs: approximately \$50,000.

6. Training

- a. Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agents instructors.

7. Legal and Procedural Rules

- a. Department Instruction 1.6 Use of Tear Agents and Equipment and 1.46 Use of Specialty Munitions provide detailed rules addressing the use of force and the employment of this category of equipment. The Department makes policy and procedure documents available to the public at: <https://police.escondido.org/view-policy-and-procedure-documents.aspx>

XV. Any other equipment as determined by a City Council or a state agency to require additional oversight.

- A. The Department does not use any equipment in this category.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-27-23	NO: 1.56 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: USE OF JAIL RESTRAINT CHAIR	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.56, dated October 7, 2020.

I. PURPOSE

To provide guidelines and procedures for the use of the jail restraint chair.

II. GENERAL

The jail restraint chair is a tool that officers have available to them, given the facts and circumstances perceived by the officer, to control a violent, potentially violent, combative, or a self-destructive prisoner in the jail environment. The restraint chair may also be used to safely conduct a blood draw from a prisoner who is under arrest for drug or alcohol-related violations, such as V.C. 23152(a), H&S 11550(a), or any other offense where a blood draw is needed and the person is potentially violent or is refusing to submit to a chemical test. The restraint chair shall never be used as punishment. The purpose of this device is to secure a violent or potentially violent subject to prevent injury to himself/herself or others, and safely conduct blood draws.

III. DEFINITIONS

- A. Restraint chair refers to the “Jail Restraint Chair,” which is designed to temporarily restrain and limit the movement of individuals who require increased measures of control.
- B. Restraint devices refer to handcuffs, leather or Velcro restraints used to hold the restrained person’s arms, wrists, legs, and torso in place.

IV. CONDITIONS FOR USE

- A. The restraint chair should be utilized on adult subjects (over 18 years of age) who pose a threat of injuring themselves, or who are combative, potentially violent, or extremely intoxicated.
- B. The restraint chair may also be utilized to conduct blood draws on violent persons who have been arrested when a chemical test must be administered. Prior to using the restraining chair for a blood draw, the person shall be advised of their testing options (breath or blood) per Department Instructions 4.8 and 4.9. If the subject is under arrest for violation of V.C. 23152(a), V.C. 23140, or V.C. 23153, or related sections, they shall be advised per V.C. 13353 (Admin Per Se admonishment). If the person refused to submit to a chemical test, a supervisor shall be notified

immediately. With the supervisor's approval, the restraint chair may be utilized to conduct the blood draw.

- C. The restraint chair may also be utilized to restrain persons who have exhibited or conveyed intent to cause injury or harm to themselves or others.
- D. Only authorized personnel trained in the use of the restraint chair are authorized to place individuals into the chair.

V. POLICY

- A. A supervisor shall be notified prior to, or at the first opportunity following, the placement of a subject into the restraint chair. The initial determination to place an individual in the restraint chair should be based on factors such as the exhibiting of self-destructive behavior, or physically or potentially hostile behavior, or a high level of intoxication.
- B. A supervisor must provide approval for every restraint chair placement.
- C. Only a supervisor may decide to use the restraint chair for forced blood draws.
- D. Securing a person in the restraint chair is considered a use of physical force and shall be documented as required in Department Instruction 1.24, Use of Physical Force. The arrest report shall indicate "Use of Force" in the special studies category in RMS.
- E. Once placed into the restraint chair, the subject must be under the direct observation of a sworn officer or custody transport officer trained in the use of the chair. It is the responsibility of the observing officer to confirm that the restraints are properly applied and that the person remains safe.
- F. Officers should be aware of symptoms of medical distress such as loss of consciousness, chest pain, difficulty breathing, and signs the prisoner is in a state of medical emergency induced by mental health or drug issues. In these cases, officers shall immediately call for paramedics and administer first aid as necessary. The Automated External Defibrillator (AED) is located on the west wall of the holding facility.
- G. Processing of the prisoner and subsequent transportation to the appropriate facility shall be expedited.
- H. In a restraint chair placement, when the suspect will be booked into a county jail, the prisoner must be medically cleared at an appropriate medical facility.
- I. When possible, the chair should be placed in full view of the closed circuit video system (CCVS) and recorded.

- J. Once a subject is placed in the restraint chair, other prisoners will be kept physically separated from the restrained person.
- K. Any time an individual is placed in the restraint chair, a log entry must be made on the restraint chair observation log stating the subject's name, age, charge, time in/time out of the chair, reason for the restraint and officer/witness 15-minute observation entries. The log must be filled out in its entirety and signed by a supervisor. At the end of each calendar year, the observation logs will be forwarded to Internal Affairs for storage following City guidelines for retention of documents.
- L. When the restraint chair is used for a forced blood draw, the arresting officer shall ensure the existence of a valid 4th waiver or obtain a warrant.

VI. GUIDELINES

- A. The restraint chair shall not be used for punishment.
- B. If possible, there should be four authorized personnel and a supervisor present when placing a person in the restraint chair, allowing an officer to take control of each of the subject's legs and arms and the supervisor to assist if needed. Prior to placing the person in the chair, leg restraints should be placed on the person's legs to assist in controlling the lower extremities. Next, the subject should be seated in the chair while handcuffed and the legs restrained first. Then the waist belt should be placed around the subject to secure the torso. The handcuffs should be removed and each arm placed into the arm restraints and secured. Lastly, the "criss-cross" torso restraints should be used to limit movement of the person's upper body.
- C. When in use, authorized personnel should ensure that the chair is kept away from any wall or other objects so as to prevent the restrained person from striking his/her head or otherwise being injured.
- D. No subject shall be kept in the restraint chair for more than two hours, unless unusual circumstances exist, and then only with the supervisor's approval. Authorized personnel shall consider the hydration and sanitation needs of the restrained individual.
- E. If a subject is placed in the restraint chair and subsequently transported to a hospital, correctional or mental health facility, two authorized personnel shall be used to transport the individual.
- F. Medical staff at any facility to which the individual is transferred shall be advised that the subject was confined in the restraint chair and notified of the duration of the restraint. This notification shall also be included in the officer's written documentation.

VII. REVIEW

All uses of the restraint chair shall be documented either in the arrest report, 5150 detention report or officer's report. All reports relating to the use of the restraint chair will be forwarded to the Use of Force Committee to be reviewed for appropriateness of use, compliance to policy and procedures.

Escondido Police Department

**Violent Person Restraint Chair
(The Below Instructions Will be Kept as the Cover Sheet for the Observation Log)**

Department Policy and Procedures: (Excerpt from Department Instruction 1.53)

- Per department policy, the restraint chair is for the protection of the restrained person as well as officers. It should be used only for adults, (18 years of age or over), for the restraint of violent, potentially violent, or those who are severely intoxicated or exhibit self-destructive behavior.
- The restraint chair may also be used for forced blood draws, where the individual has been arrested and refuses a needed chemical test. Supervisors shall determine whether a forced blood draw will be conducted and when available supervisors should be present during any forced blood draws.
- Only authorized personnel specifically trained in use of the chair are authorized to restrain individuals in the device.
- A supervisor shall be notified prior to, or at first opportunity following, the placement of a person in the chair.
- No person shall be restrained in the chair for more than two hours unless unusual circumstances exist and then only with a supervisor's approval. Officers should consider the hydration and sanitation needs of the restrained individual.
- Other prisoners will be kept physically separated from individuals restrained in the chair.
- When utilized, the chair will be placed in full view of closed circuit video system, and under direct observation of authorized personnel to confirm the restraints are properly applied and the subject is safe.
- Individuals in the chair shall be kept away from walls or other objects that they may be able to injure themselves upon.
- The observation log must be filled out in its entirety and approved by a supervisor.
- Processing of the individual shall be expedited and the subject be transported to the appropriate facility as soon as possible.
- Use of the restraint chair shall be documented in an appropriate report and the fact and duration of its use shall be communicated to the medical staff of any hospital, correction or mental health facility to which the person is transported.

Violent Person Restraint Chair Observation Log

Time In			Time Checked (15 Min Intervals)	Supervisor Initials
DATE				
NAME				
DOB				
CASE #				
OFFICER				
OFFENSE				
REASON				
			Time Out	

For Official Use Only

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 09-20-21	NO: 1.57 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: NALOXONE HYDROCHLORIDE ("NARCAN")	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.57, dated August 3, 2018.

I. PURPOSE

This Department procedure establishes guidelines for the proper use of intranasal Naloxone Hydrochloride by Department personnel. Naloxone hydrochloride is an opioid antagonist that is approved by the Federal Food and Drug Administration for the treatment of an opioid overdose. "Narcan Nasal Spray" is the brand name of the first FDA approved single dose nasal naloxone indicated for the emergency treatment of opioid overdose. As authorized in 22 CCR §100019, public safety personnel may administer intranasal naloxone/Narcan when authorized by the County of San Diego EMS Medical Director.

II. GENERAL

- A. Fentanyl is a potent synthetic opioid that can be 50 times stronger than heroin and poses a great medical risk to the public, as well as law enforcement who may come in contact with it during the course of their duties. Even a small amount of fentanyl that is ingested or comes in contact with a person's skin can lead to death. Recently, illicit sales of fentanyl have greatly increased in the United States and there is an increasing risk of accidental exposure to the drug in the San Diego region.
- B. California Civil Code section 1714.22(f) notwithstanding any other law, a person who possesses or distributes an opioid antagonist pursuant to a prescription or standing order shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for this possession or distribution.
- C. The County of San Diego EMS Medical Director has authorized Escondido Police Department officers to receive the necessary training and to administer intranasal naloxone via an atomizer or Narcan and the County has provided the appropriate medicine.

III. POLICY

A. TRAINING

1. The Escondido Police Department will have at least one staff member trained by the County of San Diego who will learn and respectively train their organization's members on overdose prevention techniques, how to recognize an opioid overdose (signs and symptoms), naloxone/Narcan nasal spray storage and administration, and post-overdose care.

2. Department staff shall attend a mandatory training course and annual refresher training. The Narcan Administrator will conduct the training.
3. The Training Manager will maintain the training records.

Appendix A provides indications and important safety information for Narcan nasal spray.

B. PROCEDURES

1. If officers/personnel believe a person suffers an opiate overdose, officers shall notify communication dispatch and request Emergency Medical Services (EMS) response.
2. Officers/personnel shall follow the administration protocol as set forth in their training to administer naloxone/Narcan as listed in the appendix. If not already dispatched, EMS will be requested at the earliest opportunity.
3. Officers/personnel shall inform responding EMS/paramedics that they have administered naloxone/Narcan and the number of doses used.
4. Additional medical treatment and transportation to a hospital shall be at the discretion of paramedics. However, if the patient is in police custody, they shall be transported to a hospital by paramedics. If the subject is transported to a hospital for treatment, officers shall respond to the hospital and gather the necessary information to properly document the incident.
5. Officers shall document the circumstances surrounding the use of naloxone/Narcan. The report shall include the serial number(s) of naloxone/Narcan used as well as all identifying information available for the assisted person. When the patient is a Department member the use shall be documented on a memo along with workman's compensation forms. When the patient is a member of the public, the use will be documented in CAD comments.
6. A quarterly report will be submitted to Public Health Services on the number of medication given and the number of staff trained during the quarter.

C. ADMINISTRATION

1. The Narcan Administrator will issue and track doses of naloxone/Narcan. Tracking shall include the serial number for each dose as well as the expiration date.
2. Naloxone/Narcan shall be issued to officers/personnel in the Department who have attended training and work in a capacity that increases their likelihood of being exposed to an opioid, or encountering a person suffering from an

opioid related overdose. Naloxone/Narcan may be damaged by extreme temperatures. Naloxone/Narcan shall be stored in accordance with the manufacturer's instructions, typically described as stored in a climate controlled area where access can be controlled.

3. Department members requiring a replacement dose of naloxone/Narcan shall contact the Training Division:
 - a. In the case of a Department member who administers naloxone/Narcan during the course of his or her duties, the officer shall notify the Narcan Administrator with the incident number from the call.
 - b. In the case of an expired dosage, the Department member shall exchange the expired dosage for a current dose. No report shall be required for such an exchange.
 - c. Public Health Services-San Diego County requests each recipient organization/department complete a quarterly survey on various aspects of the naloxone program. Public Health will report to California Department of Public Health. This report will be handled by the Narcan Administrator.

Appendix A

NARCON-NASAL SPRAY INDICATIONS AND IMPORTANT SAFETY INFORMATION

INDICATIONS

NARCAN (naloxone hydrochloride) Nasal Spray is an opioid antagonist indicated for the emergency treatment of known or suspected opioid overdose, as manifested by respiratory and/or central nervous system depression. NARCAN® Nasal Spray is intended for immediate administration as emergency therapy in settings where opioids may be present.

NARCAN Nasal Spray is not a substitute for emergency medical care.

IMPORTANT SAFETY INFORMATION

NARCAN Nasal Spray is contraindicated in patients known to be hypersensitive to naloxone hydrochloride. Seek emergency medical assistance immediately after initial use, keeping the patient under surveillance.

Risk of Recurrent Respiratory and CNS Depression: Due to the duration of action of naloxone relative to the opioid, keep the patient under continued surveillance and administer repeat doses of naloxone using a new nasal spray with each dose, as necessary, while awaiting emergency medical assistance.

Risk of Limited Efficacy with Partial Agonists or Mixed Agonists/Antagonists: Reversal of respiratory depression caused by partial agonists or mixed agonists/antagonists, such as buprenorphine and pentazocine, may be incomplete. Larger or repeat doses may be required.

Precipitation of Severe Opioid Withdrawal: Use in patients who are opioid dependent may precipitate opioid withdrawal characterized by body aches, fever, sweating, runny nose, sneezing, goose bumps (piloerection), yawning, weakness, shivering or trembling, nervousness, restlessness or irritability, diarrhea, nausea or vomiting, abdominal cramps, increased blood pressure and increased heart rate (tachycardia). In some patients, there may be aggressive behavior upon abrupt reversal of an opioid overdose. In neonates, opioid withdrawal may be life-threatening if not recognized and properly treated and may be characterized by convulsions, excessive crying, and hyperactive reflexes. Monitor for the development of opioid withdrawal.

Risk of Cardiovascular (CV) Effects: Abrupt postoperative reversal of opioid depression may result in adverse CV effects.

These events have primarily occurred in patients who had pre-existing CV disorders or received other drugs that may have similar adverse CV effects. Monitor these patients closely in an appropriate healthcare setting after use of naloxone hydrochloride.

The following adverse reactions were observed in a NARCAN Nasal Spray clinical study: increased blood pressure, constipation, toothache, muscle spasms, musculoskeletal pain, headache, nasal dryness, nasal edema, nasal congestion. Nasal inflammation, rhinalgia, and xeroderma.

Administration of naloxone nasal spray: Administer naloxone nasal spray to patient suspected of an opioid exposure with respiratory depression or unresponsiveness as follows:

1. Remove naloxone nasal spray from box by peeling back the tab with the circle to open the spray.
2. Hold the naloxone nasal spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.
3. Tilt the head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into either nostril until your fingers are against the bottom of the person's nose.
4. Press the plunger firmly to give the dose of naloxone nasal spray.
5. Remain with individual until he or she is under the care of a medical professional, such as a paramedic, emergency medical technician, physician, or nurse. Rescue breathing (one breath every 5 seconds) or CPR should be given if trained/comfortable while waiting for emergency medical assistance.
6. Administer additional doses of naloxone nasal spray using a new nasal spray with each dose, if exposed patient does not respond or responds and then relapses into respiratory depression, additional doses of naloxone nasal spray may be given every 2 to 3 minutes until emergency medical assistance arrives.

Do not administer naloxone nasal spray to a patient with known hypersensitivity to naloxone.

After EMS arrival, staff will inform responding EMS/paramedics that they have administered naloxone nasal spray and the number of doses used.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-23-20	NO: 1.58 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: DEPARTMENT FORMS COMMITTEE AND FORMS MANAGEMENT	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.58, dated July 21, 2017.

I. PURPOSE

The purpose of this Instruction is to establish procedures for creating, modifying, and/ or managing all forms used by police personnel.

II. DEFINITION

- A. Escondido Police forms are defined as those forms created by the Department, are used by more than one division of the Department, and/or are routinely retained in files for future reference. All forms will be assigned a number and an original copy will be maintained in the Records Division.
- B. Outside agency forms are those provided by local, state, and federal agencies, have established form numbers, and are also maintained in a separate master forms book stored in the Records Division. These forms are not subject to modification by the Forms Committee.

III. GENERAL

- A. The Forms Committee has been established to control the quality, standards, and content of all in-house forms.
- B. The Committee will consist of representatives from Records, Patrol, Investigations, Crime Analysis, and Administration. All new forms will be presented to the Committee for review and approval prior to being printed and distributed for use. The Forms Committee will be responsible for verifying that all divisions intending to use the new form will have input about the content before approving the form.
- C. The Forms Committee will meet as needed, and all police staff are welcome to attend and present any new form suggestions or form changes. A Police Forms Committee Group mailbox in Outlook will also be available for communications to the Forms Committee. Emails may be sent to the mailbox to suggest a change to an existing form or to request attendance to the next meeting to present a new form.
- D. Forms can be printed by either the Information Systems Duplication Division, Records Division, or an outside vendor. The Committee will make the determination based on cost, content, and volume.
- F. All forms will be stored electronically on the PDWide shared drive with view rights only for all personnel. Forms may not be modified or altered for use without

approval of the Forms Committee. Commonly used forms should also be made into a universal PDF form-fillable electronic format for ease of use with NetRMS.

- G. All forms will be managed by Records Personnel and stored in the Forms Supply Room in the Records Division.
- H. Due to the inter-related nature of the following committees, the Forms, Net/RMS, and Efficiency Committees have merged to form one committee that addresses each discipline. The committee is chaired by a lieutenant and will continue to consist of representatives from a cross section of the Department.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 1.59 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: CASH HANDLING PROCEDURES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 1.59, dated July 21, 2016.

I. PURPOSE

This instruction establishes policy and procedures for accepting checks and currency for services provided by the Escondido Police Department.

II. CASH HANDLERS

The Police Department receives money in the form of cash, coin, and check from government agencies, businesses, and individuals. Any person who receives, handles, and/or prepares City money for deposit is a Cash Handler. Cash Handlers are expected to perform accurately and efficiently when processing customer transactions, accepting payment, or making change. Security and loss prevention is also a concern for Cash Handlers and every effort must be made to protect City money from loss or theft. Cash Handlers must be aware of and adhere to the policy and procedures outlined in this instruction. (Refer to the Front Desk SOP manual for further detailed procedures.)

III. ACCEPTING AND COUNTING CURRENCY/CHECKS

When accepting currency from a customer, the money received must be kept in the view of the customer while it is being counted. To ensure accuracy, currency should be counted as many times as necessary to come up with the same total twice. This means the money will always be counted at least two times.

- A. Bills shall be counted by separating into denominations with all the bills facing portrait side up and facing the same direction. The largest denomination shall be counted first and in descending order with the remaining currency.
- B. All bills shall be placed in one hand and transferred from one hand to the other or from hand to countertop while examining each bill as it is counted.
- C. All bills shall be checked for identifying elements of authenticity and to ensure correct denominations.
- D. Twenty dollar bills are the most commonly counterfeited bills. All twenty dollar bills must be checked with the counterfeit money iodine pen before being placed in the cash register. (Refer to the Front Desk SOP manual for detailed procedures.)
- E. Bills shall be counted a second time and the count shall be repeated until the totals agree.

- F. Most currency and checks received as payment for services will be entered into the cash register and a receipt of payment should be given to the customer from the register receipt tape. However, payments for parking citations and some business licenses are handled differently and are not entered as payments in the cash register. All cash and check handling procedures will be followed for these payments. Parking citation payments will be dropped in the safe. City license payments will be hand-delivered to the appropriate City department.
- G. All cash register transactions will be handled by Front Desk and Records personnel, and/or the Records Supervisor. The register will be locked and inaccessible after business office hours.

IV. CHECKS

- A. Personal checks, business checks, and cashier's checks will be accepted only when the following requirements are completed:
 - 1. Current date only, post dated checks not will be accepted.
 - 2. Payable to the "City of Escondido."
 - 3. Pre-printed name and address of payer on front of personal check.
 - 4. The dollar amount must appear twice: once spelled out and once printed numerically. The amounts must match and there must be no alterations in the figures. Alterations made to correct mistakes in the date or figures must be initialed by the check-writer and will only be accepted if the check has been written in the presence of the Cash Handler.
 - 5. The bank name, branch, city, and state must appear on the check.
 - 6. The check must be signed by the payer.
 - 7. Magnetic Ink Character Recognition (MICR) numbers must be pre-printed along the bottom edge of the front of the check.
 - 8. Business or company checks will be accepted, but the signature must be checked to ensure that multiple signatures are present, if needed, for the check to be negotiable.
 - 9. Identification of the check writer must be verified when presented to Cash Handlers at the Front Desk for payment of services. The customer's identification (CDL or other picture ID) must be recorded on the check at the time of acceptance. The customer's telephone number must also be recorded on the check if it is not pre-printed with the account holder's information.

10. The customer must fill in the purpose of the check in the memo section of the check; i.e., Case Number, Livescan, Vehicle Release, etc.
 11. Checks must always be written for the EXACT amount; no change will be given from a check.
 12. Checks that include a printed statement, "Not to exceed..." will not be accepted unless the amount is written in by the presenter and does not exceed the amount listed in the statement.
- B. Travelers' checks are acceptable with proper identification, but not if drawn on foreign currencies.
 - C. Under no circumstances should the check be altered or filled out by police personnel.
 - D. Two-party checks will not be accepted.
 - E. City employee checks will not be accepted in exchange for cash.
 - F. Illegible checks or checks with erasures will not be accepted.
 - G. Checks drawn on foreign currency will not be accepted.
 - H. There will be a \$25.00 fee for all checks returned by the bank to the City of Escondido.

V. MONEY ORDERS

- A. Money Orders will be accepted and treated the same as checks.
- B. The purchaser of the money order must fill out the money order including the date, payer, and payee's name and address (City of Escondido, 201 N. Broadway, Escondido, CA 92025).
- C. Under no circumstances should the money order be altered or filled out by police employees.
- D. Money orders may have a printed statement, "Not to exceed \$____." The dollar amount of the money order must be checked against the printed statement to ensure it does not exceed the amount listed in the statement.

VI. CURRENCY

- A. All bills presented for payment should be checked for the following parts:

1. The value amount of each bill is numerically posted in all four corners on both sides.
2. The value is written out across the bottom of the face side of the bill.
3. The Federal Reserve seal appears to the left of the portrait. The Treasury seal appears to the right of the portrait, embossed over the written dollar amount.
4. The unique serial number of the bill appears in both the upper left portion and the lower right portion on the face of the bill.
5. The number and corresponding letter of the Federal Reserve district that issued the bill appears in the upper left corner of the face of the bill.
6. Each bill should be checked to ensure the portrait is correct for its denomination.

<u>Denomination</u>	<u>Portrait</u>	<u>Reverse Side</u>
\$ 1	George Washington	Great Seal and Pyramid
\$ 2	Thomas Jefferson	Signing of Declaration
\$ 5	Abraham Lincoln	Lincoln Memorial
\$ 10	Alexander Hamilton	U.S. Treasury
\$ 20	Andrew Jackson	White House
\$ 50	Ulysses S. Grant	U.S. Capitol Building
\$100	Benjamin Franklin	Independence Hall

7. The paper used in genuine U.S. currency has a unique texture and feel and contains randomly placed red and blue fibers. The paper should be examined closely for each bill accepted.
- B. Rolled coins will not be accepted as payment. Loose coins may be accepted if they total five dollars or less.
 - C. Mutilated bills may be presented for payment and must be accepted as legal tender if they are more than 40 percent intact, however, the customer should be asked if they have another bill in substitution of the mutilated bill. If the bill is less than 40 percent intact, it will not be accepted for payment. Currency is mutilated whenever it is torn, written on, missing a portion, or otherwise damaged. Coins are mutilated whenever they are bent, worn, broken, or otherwise damaged.
 - D. Counterfeit bills will not be accepted as payment. If a bill is suspected to be counterfeit, the customer should be asked for a replacement bill. While the customer is still present, the "Counterfeit Note Report" form must be completed (forms are available on www.secretservice.gov). If the customer has information about where or from whom they received the counterfeit note, the Secret Service should be contacted immediately and the bill should be held. If no information is

known about the bill, two copies of the form should be made and sent along with the counterfeit bill to the San Diego office of the Secret Service and the customer may then leave.

VII. PAYMENTS COLLECTED FOR NON-CITY USE

Payments made for non-City use, such as monies collected for the purchase of items sold by the Police Officers Association, are collected by police employees assigned to the Front Desk. All cash handling requirements should be followed for such payments, however, the City is not responsible for these funds and will not reimburse for any loss of these funds. All funds collected for non-City use will be segregated from the monies collected for payment of City services.

VIII. BALANCING THE CASH REGISTER

The “daily beginning balance” is a set amount of cash maintained in the cash drawer at the opening and closing of each business day. The amount is set by the Records Supervisor and does not change without authorization from the Services Bureau Captain.

At the end of each business day, the revenue received must be counted, balanced, and documented. A cash register report must be generated that closes out the daily transactions and resets all register transaction totals to zero except the running grand total. (Refer to Front Desk SOP manual for detailed instructions.)

The cash register report must be used to document the total number and amount of each type of transaction; i.e., crime reports, livescan fingerprints, vehicle releases, etc. All cash and checks should be removed from the register and the amount of the daily beginning balance must be subtracted from the cash and returned to the register. The remaining cash and checks must then be counted and balanced to the register report. A numbered City of Escondido Receipt must be used to document each transaction type, totals, and the appropriate revenue codes.

Once the money has been counted, balanced, and documented, all cash and checks should be placed in an envelope with the register report and sealed. The City of Escondido receipt should be stapled to the outside of the envelope and then dropped into the safe in the Records Supervisor’s office for later deposit.

IX. SHORTAGES AND OVERAGES

A shortage is typically an unintentional collection error such as a change making error or an error made during a cash register entry. An overage occurs when too much money has been collected and the excess money cannot be immediately returned to the customer.

When a shortage or overage occurs, every effort must be made to locate the cash difference. If the shortage/overage cannot be resolved, the Records Manager should be notified immediately. The City of Escondido receipt should be prepared as usual using the cash register report. All transactions will be reviewed by the Records Supervisor and

the internal register tape will be reviewed in an effort to locate the error. Shortages and/or overages will be recorded as such on the City receipt using the appropriate revenue code and the grand total will be adjusted accordingly.

X. ARMORED TRANSPORT DEPOSITS

All revenue collected at the Front Desk for payment of police services will be prepared for deposit by Records personnel. Deposits may include several days' transactions and will be listed separately on the deposit slip by transaction date. Cash and checks for deposit will be handled according to the above listed counting procedures. Completed deposits will be sealed in the deposit bag provided by the bank and given to the Front Desk staff for pickup by the armored transport security guard. The deposit bag will be kept in the safe until pick-up.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 1.60 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: ONLINE REPORTING	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supercedes Department Instruction 1.60, dated December 22, 2009.

I. PURPOSE

To establish guidelines and procedures to determine when the Online Reporting System will be used.

II. POLICY

It is the policy of the Escondido Police Department to provide online reporting services to the community through the use of an Online Reporting System.

III. PROCEDURE

- A. The Department will respond to in-progress incidents and all crimes with evidence or information, which may lead to the identity of a suspect and his/her apprehension, or if the incident just occurred and there is a likelihood the suspect may still be in the area.

The following crimes and reports may be referred to the Online Reporting System:

1. All petty/grand thefts without suspect information;
2. Auto burglaries without suspect information;
3. Vehicle tampering without suspect information;
4. Vandalism without suspect information, which is not a hate crime;
5. Annoying telephone calls without suspect information;
6. Identity theft without a known suspect.

B. Communications Personnel Responsibilities

1. When Communications personnel receive a call from a citizen wishing to report an incident, the Communications dispatcher will determine if the call falls within the scope of an online report. If so, Communications personnel shall:

- a. Determine if the citizen has Internet access.
 - b. Inform the caller that they may file an online report, which allows them to file the report at their convenience. They can also print a copy of the report with their case number. Based on call volume, the reporting party might otherwise have to wait up to two hours for an employee to be sent to their location. If the citizen insists on an employee being dispatched, the call for service will be entered as normal.
 - c. Advise the caller of the Escondido Police Department website address www.police.escondido.org or Google search Escondido Police Department, which will guide them through filing a report.
 - d. If there was any physical evidence (tools of the crime, DNA type evidence such as a cup or cigarette) left behind by a suspect, an employee should be dispatched to process the scene and take the report.
2. If the call screener determines the report is not suitable for online reporting based on the listed criteria, the call will be prioritized and a Patrol Technician, officer, or desk officer will be assigned to take a report. A notation will be made in the CAD detail such as “not suitable for online report.”

C. Desk Officer Responsibilities

1. Records staff will process the reports and may contact the R/P for additional information or corrections. Procedures for processing reports will be kept at the Desk Staff Station. If the citizen report is misclassified, such as vandalism, instead of an auto burglary, the desk officer will classify the report according to the elements of the offense described by the citizen author.
2. The desk staff will refrain from making grammatical corrections to citizens' reports, unless they are minor in nature such as, “California” spelled as “Calefournia,” etc. If the desk officer determines the report was misclassified, it may be modified to fit the most appropriate section.
3. If there is a question as to the report's content, the reviewer should attempt to contact the reporting citizen prior to rejecting the report and make the correction to the online report.
4. If the citizen is reporting an incident that is minor in nature and occurred in another jurisdiction and the citizen is a resident of our city, the report may be re-classified as an outside assist and approved. The report may also be rejected and the citizen referred to the appropriate jurisdiction.
5. If the reviewer rejects a report, the reason for rejection will be appropriately and professionally noted in the rejection box, which is sent via e-mail to the citizen and a duplicate to a department storage mailbox.

6. The desk staff shall request a Patrol response when, in the reasonable judgment of the officer, circumstances indicate an investigation is warranted. In this circumstance, a rejection should be sent to the citizen and the officer will state in the rejection box that a response will be made.
7. Reports will be reviewed by the supervisor assigned to on-line reporting. Once approved, Records staff shall import approved reports in the Online Reporting System queue in a timely manner.
8. Case numbers will be assigned to 'approved' reports and then printed and forwarded through the Records process.
9. Once the report has been sent from the reviewer to Records, it will be handled as usual and ultimately routed to Data Entry. Identity theft cases will be routed to the Crimes of Property sergeant. Reviewers should notify the Investigations supervisor if they notice trends or information that may be of interest to investigators. An example may be stolen checks, credit cards, firearms, toxic substances, or explosives.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION		DATE: 10-07-21	NO: 1.61 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: EMPLOYEE SPEECH AND EXPRESSION ON SOCIAL MEDIA SITES		
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE		

This Department Instruction supersedes Department Instruction 1.61, dated July 29, 2019.

I. PURPOSE

The purpose of this policy is to address issues associated with member's speech and expression on social networking sites and to provide guidelines for the regulation and balancing of member's speech and expression with the legitimate needs of the Department. Nothing in the policy is intended to prohibit, infringe or discourage any member's communication, speech or expression which has been clearly established as constitutionally protected or otherwise privileged by law.

II. POLICY

Members of the Department occupy a trusted position in the community. Speech and/or expression made regarding Department matters or public concern on social media websites have the potential to confuse or contradict the policies and performance of the Department. Due to the nature of work and influence associated with the law enforcement profession, it is necessary that members of the Department be subject to certain reasonable limitations on their speech and expression within social media websites. To achieve the Department's mission and efficiently provide service to the public, the Escondido Police Department will carefully balance members' rights and the Department's needs and interests when exercising a reasonable degree of control over its members' speech and expression within social media websites. The Chief of Police reserves the right to deem any social media or web-based content posted by a department employee inappropriate and may order the removal of such content at his/her discretion.

III. APPLICABILITY

This Department Instruction applies to all forms of social media communication including, but not limited to: film, video, images, 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, text messaging, instant messaging, blogs, forums, wikis, and other file-sharing sites.

IV. SAFETY

Members shall carefully consider the implications of their speech and any other forms of expression when using social media websites. Speech and expression that may negatively affect the safety of Escondido Police Department members, such as posting personal information in a public forum, can result in compromising the member, co-workers or family. Members shall not disseminate or post any information that could

reasonably be expected to compromise the safety and/or privacy of another member or the member's family.

V. PROHIBITED SPEECH, EXPRESSION AND CONDUCT

In order to meet the Department's safety, performance and public-trust needs, the following are prohibited:

- A. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Escondido Police Department or its members.
- B. Speech or expression not made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Escondido Police Department or its members.
- C. Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, violence, illegal/criminal activity, or racially prejudicial/discriminatory behavior.
- D. Speech or expression of any form that could reasonably be foreseen as having a dangerous impact on the safety of Department members. For example, a statement on a blog or text message that provides specific details as to how and when a special enforcement operation is to take place; when prisoner transportations are made; confidential details concerning crime scenes or ongoing investigations.
- E. Speech or expressions that are contrary to Department Instructions, Administrative Directives, Code of Conduct, Personnel Rules and Regulations or the Law Enforcement Code of Ethics as adopted by the Escondido Police Department.
- F. Disclosure, through whatever means, of any information, photograph, image, video or audio recordings obtained or accessible as a result of employment with the Escondido Police Department for financial gain, or any disclosure of such materials without the expressed authorization of the Chief of Police or his/her designee (California Penal Code § 146g).
- G. Posting, transmitting or disseminating any photographs, images, video or audio recordings, or likenesses of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identify the Escondido Police Department on any personal or social networking or other website or web page, that tends to compromise or damage the mission, function, reputation or professionalism of the Escondido Police Department or its members.
- H. Failure to take reasonable and prompt action to remove any content that is in violation of this policy and/or posted by others from any web page or website maintained by the member (e.g., social or personal website).

- I. 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 communications may be warranted by the circumstances (e.g., inform family of extended hours, etc.).
 2. During authorized breaks, however, such usage should be limited as much as practicable to areas out of sight of the public and shall not be disruptive to the work environment.

VI. UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, members may not represent the Escondido Police Department or identify themselves in any way as being affiliated with the Escondido Police Department in order 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 initiative.
- 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. Additionally, when it can reasonably be construed that a member, acting in his/her individual capacity or through some unofficial group or organization (e.g., collective bargaining group), is affiliated with this Department, the member shall give a specific disclaiming statement that any such speech or expression is their own and not that of the Escondido Police Department.

VII. PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace, Twitter, LinkedIn, etc.).

The Department also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Department, including the email system, telecommunication system, computer network or any information placed into storage on any Department system or device.

All emails, text messages, instant messages, pictures and attachments transmitted, accessed or received over Department networks and devices, are considered Department records and, therefore, are property of the Department. The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, those that have been transmitted, accessed or received through any device. This includes records of all key strokes or web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if accessed through a Department computer network or on a Department telecommunication device.

VIII. REFERENCES

A. City of Escondido Administrative Directives:

1. #12 – Improper Use of City Equipment
2. #21 – Use of City Seal/Logo
3. #27 – Computer Use
4. #34 – Discrimination/Sexual Harassment
5. #41 – Federal Health Insurance Portability and Accountability Act of 1966 (HIPAA) Privacy Policy
6. #46 – Use of Social Media

B. Escondido Police Department Code of Conduct

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 08-12-21	NO: 1.62 ADMINISTRATION
TO: ALL PERSONNEL	SUBJECT: AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 1.62 Administration, dated June 11, 2019.

I. PURPOSE

The Escondido Police Department maintains an Automated License Plate Recognition (ALPR) system and shares data gathered by this system with the Automated Regional Justice Information System (ARJIS). ARJIS, in cooperation with local, state, and federal law enforcement agencies, maintains a regional server as an ALPR data repository in support of law enforcement efforts to improve public safety. The purpose of this Department Instruction is to establish an ALPR Acceptable Use and Privacy Policy which is consistent with the policy of the Automated Regional Justice Information System (www.ARJIS.org). The Escondido Police Department retains control and ownership of ALPR data shared with ARJIS.

II. BACKGROUND AND OVERVIEW

Automated License Plate Recognition, or ALPR, is a computer-based, information gathering system that utilizes specially-designed cameras to rapidly capture an image of a vehicle license plate and convert the plate characters into a text file using optical character recognition technology. The text file can then be compared against pre-existing data files, such as databases containing records of stolen or wanted vehicles as well as vehicles associated with AMBER alerts, missing children, wanted subjects or other criteria. If a match is found, the ALPR user is notified by an audible alert and an associated notation on the user's computer screen. Because the ALPR system is programmed to check all vehicles in the same manner, they are an objective and non-discriminatory public safety tool. The data obtained by ALPR cameras is useful in criminal investigations.

ALPR cameras can be mobile (mounted on vehicles) or fixed (mounted to a structure).

Mobile ALPR systems scan plates, notify the user of a vehicle alert, and store the plate scan data for later upload or transfer to an ALPR server or the regional ALPR server. ALPR systems in fixed positions can link to an ALPR server for updates and transmission of scanned plate data in real time or near-real time. In the event of an alert, the ALPR system can notify field users and dispatchers so verification of the alert and appropriate response can take place.

The information data files (alert lists) against which license plate reads are checked may include, but are not limited to, the Stolen Vehicle System (SVS) Felony Warrants System (FWS), Missing and Unidentified Persons System (MUPS) and Probable Cause to Arrest Bulletins. ALPR alert databases can be comprised of any selected list that is deemed of legitimate interest to law enforcement in carrying out its public safety mission. Because these informational data files are periodically updated with different data sources being refreshed at different intervals, it is important that ALPR users take into account the potential for lag time between the last update and an alert provided by the ALPR system on a vehicle of interest or wanted vehicle. Any alert provided by an ALPR system is to be considered informational and advisory in nature and requires further verification before action is taken.

III. POLICY

The ALPR system is restricted to legitimate criminal justice uses for the purpose of furthering law enforcement goals and enhancing public safety. There are two primary objectives of ALPR data use. The first is to identify stolen or lost vehicles and license plates, and wanted or missing persons, by matching the ALPR data to the alert lists. The second objective is the ability to query ALPR data to assist officers and detectives with ongoing criminal investigations, crime prevention and detection, and aid in the prosecution of crimes involving vehicles. LPR data is queried only if there is a reasonable suspicion that a vehicle is involved in criminal activity and the requestor has a legitimate need to know. Implementation of this policy will ensure that the collection, use, maintenance, sharing and dissemination of ALPR data is consistent with respect for individuals' privacy and civil liberties.

IV. GENERAL

A. Mobile ALPR Equipment Use

1. Department personnel operating ALPR equipment or accessing information/data associated with the ALPR system must be properly trained prior to use.

2. Department personnel operating mobile ALPR units should ensure that the system is operating properly and updated prior to placing the unit into service.
3. When alerted that a vehicle is wanted, stolen or of interest to law enforcement, the mobile ALPR operator should, to the fullest extent possible, take the following steps:
 - a. Ensure the plate was read properly and that the state of origin is consistent with the alert.
 - b. Confirm the alert status by either manually entering the plate via the mobile computer terminal or requesting verification through dispatch.
 - c. Review the alert information to determine the nature of the advisory (information only, stolen vehicle, etc.).
 - d. In the event that compelling circumstances are present or situational officer safety issues make it unsafe to confirm the status of the alert information prior to taking action, the mobile ALPR operator must confirm the status of the alert information as soon as possible.

B. Fixed ALPR Equipment Use

1. Monitoring of the fixed ALPR equipment is accomplished through a graphical user interface (GUI) connected to the ALPR server. Dispatch is primarily responsible for monitoring the fixed ALPR equipment.
2. When alerted that a vehicle is wanted, stolen or of interest to law enforcement, Dispatch should, to the fullest extent possible, take the following steps:
 - a. Ensure the plate was read properly and that the state of origin is consistent with the alert.
 - b. Confirm the alert status; i.e., conduct a records check on the plate through the appropriate law enforcement database.
 - c. Broadcast a “Be on the Lookout” to field units with the license plate, description and information contained in the alert.

C. Database and Records

1. Department personnel permitted to access or query ALPR data must meet the same criteria as those required for accessing other criminal justice data. Requirements concerning the security and confidentiality of all criminal justice data are set forth in the FBI CJIS Security Policy and the CLETS Policies, Practices, and Procedures. Refer to Department Instruction 1.22 – Security of Criminal Offender Record Information and Media Protection for training and authorization requirements.
2. Access to the ALPR system will be managed by the ALPR System Administrator or Agency CLETS Coordinator.
3. The data records stored on the ALPR server include photographs of the vehicle (close-up of the license plate and context photo of the front or rear of the vehicle) and accompanying license plate number, date, time, and location in the field, and do not directly identify a particular person.
4. Access to, and use of, ALPR data is logged for audit purposes. Audit reports contain the name of the user, date, and time of access, the specific data queried and the justification for the query including a relevant case number if available at the time.
5. ALPR data is for official law enforcement purposes only. Department personnel will not share ALPR data with commercial or private entities or individuals. ALPR data may be shared with other governmental entities with an authorized law enforcement or public safety purpose in accordance with existing State law, FBI, and Cal DOJ policies. ALPR data shall not be shared with out of state governmental entities.
6. Data generated by the ALPR System are records of investigations and therefore exempt from public disclosure under Government Code Section 6254, Subdivision (f). Further, the data are exempt from disclosure under 6254(k) of the California Government Code which ensures an individual's right to privacy under the California Constitution, Article 1, Section 1.
7. ALPR data is not to be accessed for the purpose of monitoring individual activities protected by the First Amendment to the United States Constitution.

V. RETENTION OF DATA

A. Mobile ALPR Systems

1. Records generated by mobile ALPR systems which have not been linked to an ongoing criminal investigation shall be retained for a period of two years. Once the retention period has expired, the records will be purged from the active database. Records which have been linked to an ongoing criminal investigation may be retained as part of the investigation and subject to the same purge criteria associated with the investigative case file.

B. Fixed ALPR Systems

1. Records generated by fixed ALPR systems which have not been linked to an ongoing criminal investigation shall be retained for a period of two years. Once the retention period has expired, the records will be purged from the active database. Records which have been linked to an ongoing criminal investigation may be retained as part of the investigation and subject to the same purge criteria associated with the case file.

C. Audit Reports

1. Audit reports shall be retained for two years.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 3.1 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: PROCEDURES FOR HANDLING EVIDENCE, PROPERTY AND HAZARDOUS MATERIALS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Instruction 3.1 Investigations, dated August 17, 2020.

I. PURPOSE

The purpose of this Instruction is to establish the procedures to be followed when handling evidence and other property coming into the possession of any employee.

II. DEFINITION OF EVIDENCE

Any item that might lead to the identification, apprehension, or conviction of the perpetrator of a crime, or to the manner in which an incident occurred, is physical evidence.

III. AUTHORITY TO SEIZE EVIDENCE

Article I, Section 19 of the California Constitution provides that the State of California has the sovereign right as its judicial power to seize evidence so that it may successfully prove that the law has been violated.

IV. RESPONSIBILITY

Responsibility for locating, preserving, identifying, and protecting physical evidence is as follows:

- A. Generally – It is the responsibility of every officer to be thoroughly familiar with what constitutes physical evidence and with the procedures of protecting, handling, collecting, and preserving evidence and property.
- B. Protection of Evidence – It is the responsibility of every officer at the scene of an incident to protect physical evidence.
- C. Storing Evidence – It shall be the responsibility of the impounding officer to properly mark and package evidence and the responsibility of the Property and Evidence Technician to store physical evidence.

V. GENERAL PROCEDURE

The procedure for collecting and preserving physical evidence shall be as follows:

- A. Security – The officer assigned, or officer in charge, at the scene of an incident shall prevent all persons not necessary to the investigation from entering the area where evidence might be found.
- B. Crime Scene Responsibility – It is the responsibility of the assigned officer, or officer in charge, to ensure that all evidence at the crime scene is protected and preserved until the evidence can be properly recorded and collected. The officer in charge of a crime scene shall determine who shall record and collect physical evidence.
- C. Uncommon Incident – If the incident is of a serious or unusual nature, the assigned officer will immediately summon the assistance of their immediate supervisor.
- D. Assistance – When appraising an incident as serious or unusual, the supervising officer may summon the assistance of the Investigations Division.
- E. Isolation – When the Investigations Division is called to the scene of an incident, the scene shall be isolated until their arrival and until such time as the investigator has completed his/her investigation. No evidence should be collected until the Investigations Division has arrived at the scene. This guideline does not preclude photographing perishable evidence such as a burning cigarette or a glass with ice.
- F. Emergencies at Scene – The provisions for isolation of a crime scene do not prohibit emergency operations; however, such operations should be carried out with extreme care for the preservation of evidence.
- G. Search of Isolated Scene – When an investigator arrives at the scene, he/she shall be responsible for any search that may be conducted and shall be responsible for the recording and collection of physical evidence. The investigator in charge will maintain control of the scene and functional supervision over the evidence collection.

VI. RECORDING EVIDENCE

When evidence is located at the scene of an incident, written details of its location and condition will be made by the recording officer before it is disturbed or collected.

VII. PHOTOGRAPHING EVIDENCE

When evidence is located at the scene of an incident and recorded, photographs will be taken before the evidence is disturbed or collected.

VIII. EVIDENCE COLLECTION

Evidence shall be collected in accordance with accepted police methods.

- A. Precautions – Any officer who needs assistance with collecting or preserving any physical evidence which may be perishable or fragile, can be contaminated, is microscopic or that is of a dangerous nature shall request the advice or assistance of a designated evidence technician or supervisor.

IX. MARKING EVIDENCE

The procedure for marking evidence shall be as follows:

- A. All evidence will be photographed prior to collection, when possible. Each item will be placed in an appropriate container and secured in the approved manner. A sketch may also be completed to assist with proper documentation of evidence location.
- B. A plastic evidence tag may be used on items too large to be packaged. The tag shall be secured in such a manner that the item is not subject to contamination. If a plastic evidence tag cannot be secured to the item and it is impractical or unnecessary to package the item, the property label may be placed directly onto the item.
- C. A QueTel generated barcode label will be clearly attached to every package of evidence. Each package should have its own unique barcode. Additionally, there should only be one barcode per package.

X. PACKAGING EVIDENCE

When it is desirable to pack or wrap evidence to prevent contamination, or to preserve small items, the following shall apply:

- A. Evidence will be placed in an appropriate envelope, bag, container or box; a plastic evidence tag may be used on large items and the tag shall be secured in such a manner that the evidence is not subject to any contamination.
 - 1. Sealing the Package – Evidence tape is to be affixed to every package placed into evidence in the following manner.
 - a. All evidence bags are to be folded across the open end. The evidence tape provided by the Department is to be placed horizontally over the fold, sealing end to end where the tape and package meet, and marked with the sealing person's first and last initial (or name), I.D. number and the date.
 - b. Other types of packaging, such as boxes, bags, containers, etc., will have evidence tape over all visible openings with the same required markings.

- c. When packages are opened for court, viewing, or follow-up, existing evidence tape should not be broken. A new opening is to be cut on a different side of the package and the package should be resealed with new evidence tape as above.
- B. Biological Evidence - Biological items should never be sealed in plastic or glass containers. Bloodstained articles need to be dried in the drying chambers or air-dried and then double-bagged in paper. A biological hazard sticker will be prominently displayed on the outermost sealed bag of all biological evidence items.
- C. Single Package – Items of the same kind of physical evidence found in the same location may be placed together in one package and sealed.
- D. Separate Packages – The same kind of evidence found at different locations, items that can be contaminated, and articles requiring further scientific testing shall be placed in separate packages.
- E. Latent Fingerprints – Objects suspected of bearing or containing fingerprints should be printed at the scene when possible. Evidence to be transported for printing will be packaged in such a manner that potential fingerprints will not be disturbed while in transit. All latent print cards must be filled out completely and submitted in a sealed paper 9X12 envelope.
- F. Poisons – Poison foodstuff shall be placed in non-metal containers, marked as poisons, and placed in cold storage to prevent spoilage. For liquids, use a Department provided Nalgene double walled container.
- G. Documents – Any document which will require scientific examination shall be enclosed (UNFOLDED) in a paper 9X12 envelope. Scan the document into QueTel digital prior to impounding. If the document contains trace or fingerprint evidence, scan a photo of the item into QueTel prior to impounding.
- H. Syringes – All syringes shall be placed in a Department-provided syringe tube. Brand new bulk syringes in their original packaging with needle covers in place can be placed in a paper 9X12 envelope or paper bag. Syringes containing narcotics to be analyzed must be in non-roll containers; all others can be placed in large containers with cork ends.
- I. Hazardous Materials – Batteries, chemicals, flammable liquids, paint, etc., will be placed in one of the drops located on the west side of the Property Division.
- J. Edged Weapons – All edged weapons on which the blade cannot be folded back or secured with a safe holding sheath will be placed in a knife box. Photograph all evidentiary knives and upload to QueTel digital per the San Diego District Attorney's Office.

- K. Fireworks – Fireworks that can be safely transported and placed into evidence will be placed in one of the drops located on the west side of the Property Division. Fireworks can also be placed into metal paint cans located in the impound room. The containers are sealed to ensure sterilization – break seal and place items inside. Reseal can and place label directly onto it. Place one strip of evidence tape directly across the top and repeat the required markings.
- L. Perishables – Perishables that do not require further scientific study, such as alcohol and beverage containers, flowers, food, etc., will be photographed, documented, itemized, and then impounded for destruction by the reporting officer.

Alcohol containers needed for DNA/print processing only, should be photographed and emptied prior to being impounded.

Containers with alcohol requiring preservation of the liquid due to prosecutorial requirements (ABC violations, serious/fatal traffic collisions, and other serious crimes) shall not be emptied, but photographed and impounded in the same condition as collected.

- M. Ammunition - Ammunition may be placed in a paper bag, box, ammo can, or K-PAK. (Ammunition requiring fingerprint or other forensic analysis must be placed in a paper bag.) If the ammunition appears old, unstable, deteriorated or otherwise dangerous, notify the Property Division and/or Range staff for immediate disposal.

XI. TRANSPORTATION AND STORAGE

- A. Proof of Continuity – Proof of continuity of possession of physical evidence is essential in a trial. Therefore, it is desirable that evidence pass through the fewest hands possible. Evidence shall be transported from the field to the station only by the finding officer, the investigating officer, or the necessary specially trained personnel.

Evidence shall be transported from its point of origin to the station as soon as possible. The emergency nature of the incident involved, the seriousness of the incident involved, the type of material to be transported, and the workload of the transporting officer's unit will dictate when the evidence will be taken to the station for booking. *In no case will evidence be held by an officer after his/her tour of duty, with the exception of the Forensic Services Unit.*

If an officer is unable to package item(s) of evidence at the end of their shift, they may place the item(s) in a locker, secured with a note and follow-up email advising the Property Division of the circumstances and a date in which they will complete the impound.

- B. Explosive Substances/Devices – Any explosive substance/device dangerous to life, including blasting caps and professional fireworks, shall only be moved by an

explosive expert, or upon instructions from experts. Fixed ammunition for small arms is not included in this procedure.

1. Explosive substances/devices shall not be transported or stored at the Police Department unless so directed by trained personnel from the San Diego County Sheriff's Bomb/Arson Unit.

C. Radioactive Material – Incidents in which radioactive materials are involved or are suspected should be reported immediately to:

1. Immediate supervisor;
2. Fire Department;
3. San Diego County Office of Emergency Services, telephone number (858) 565-3490.
4. Identification Marks – All officers of this Department shall familiarize themselves with the approved design marking for radioactive material. This is a yellow circle with a black pie-shaped design within it (trefoil symbol).
5. Do not transport, handle or store suspected radioactive materials without instructions from experts.

D. Hazardous Chemicals

1. When police personnel encounter unknown or hazardous chemicals, the Escondido Fire Department and the San Diego County Hazardous Materials Unit will be contacted for the current procedures for handling the materials.
2. Do not transport, handle, or store suspected hazardous chemicals unless specific direction has been received by a qualified expert.

E. Biological Evidence – Blood samples, rape kits, and other biological evidence must be refrigerated as soon as possible. The containers will be sealed in accordance with the correct procedure and then placed in the temporary locked evidence refrigerator located in the property impound room.

1. Bloodstained, urine-stained, wet or moist articles must be dried prior to packaging. Drying can be accomplished with the drying chambers or by air drying. Trained evidence technicians can assist if necessary in properly drying biological articles and packaging the items in accordance with correct evidence and safety standards listed in Section X of this Instruction.

F. Storage Lockers

1. All evidence or found property should be stored in a locker of the appropriate size.
2. Bicycles will be tagged on the handlebars and locked in one of the three drop locations along the west side of the Property Division.

G. Cell Phones

1. Any cell phone obtained via consent for investigative purposes must be returned to the owner prior to the end of shift, or be impounded as evidence.
2. Detectives must impound evidentiary cell phones into QueTel and then may immediately check them out without physically impounding the item. The cell phone must be placed in a white, 9x12 envelope with an evidence label affixed to the outside, and the item must be kept in secure storage when not in use. Once the item is no longer needed, the item shall be booked into evidence for secure storage and/or proper disposition by a Property and Evidence Technician.

XII. VEHICLES

A. Vehicles as Evidence

Vehicles as evidence shall be impounded when the evidence they carry cannot be recovered by an investigator or when the portion of the vehicle that carries the evidence cannot be easily recovered. A vehicle recovered from a highway for investigation of a hit-and-run accident shall be investigated consistent with Section 22655 V.C.

B. Vehicles – Other Requirements

When a vehicle is impounded as evidence, other requirements set forth in this manual pertaining to the handling of vehicles shall be complied with. Instructions will be given to the impounding garage as to the preservation of evidence as they pertain to the vehicle in question. Vehicles towed and retained as evidence shall be stored in approved inside storage facilities. When a vehicle is held for evidence or investigation, the impound form will be flagged by the impounding officer, indicating a special hold is on the vehicle. The sergeant of the investigative unit should be notified so they can ensure the vehicle is processed in a timely manner.

- C. Supervisor approval is required to have a towed vehicle delivered to the police station. The Property Unit supervisor should be contacted prior to transporting a vehicle to the police department for storage to ensure there is room in the designated area. Doors to the vehicle shall, unless compromising evidence or is otherwise impractical, be sealed with evidence tape.

XIII. CURRENCY

All currency coming into the possession of officers and employees of the EPD will be the subject of handling through standardized and uniform procedures.

A. Persons In Custody

Currency in the possession of a person in custody that has no value as evidence and is not subject to seizure will be handled in accordance with the following procedures.

1. The currency will be removed from the person as a part of the booking procedures.
2. The currency will be tallied and recorded on the booking intake/personal property inventory.
3. The currency will be stored independently of other items of personal property in a plastic property baggie and will be kept with the property bag.
4. In the event that an individual is booked into a detention facility, deposit the currency/coins into the cash machine outside of the jail intake and place the currency receipt into the property bag. The property bag shall then be turned over to the intake deputy.
5. In the event the individual is not booked into a detention facility, the property bag and currency baggie shall be returned to the person at the time of their release.

B. Impounding Currency as Evidence, Found Property, or Safe Keeping

All currency impounded as evidence, found property, or for safekeeping will be handled in accordance with the following procedures.

1. All impounded currency will be recorded and stored separate from other items of evidence and property using a currency envelope. A currency counter machine and coin counter are available in the impound room.
2. All envelopes will be identified with a unique QueTel generated barcode label indicating the contents of the envelope as currency. The QueTel generated currency report will be placed inside of the envelope with the currency.
3. Currency envelopes shall be signed by two officers, sealed and dropped into the property mailbox located inside the Property Room.

C. Handling of Currency by Property Personnel

Property and Evidence Technicians receiving currency into the Property Room will abide by the following procedures.

1. Sealed envelopes will be received into the Property Room by Property and Evidence Technicians only.
2. Sealed envelopes will be stored in the safe.
3. When the contents of the safe exceed \$5,000 of currency not germane to an investigation, the currency will be deposited into the appropriate City account.
4. Sealed envelopes shall not be unsealed until such time as the funds are deposited into the appropriate account or the currency is being released to its owner.
5. At the time currency envelopes are unsealed, two persons shall be present.
6. Minimally, a quarterly audit will be completed by the Property Unit Supervisor and forwarded to the Chief of Police via the Bureau Commander. An audit of the funds may be authorized at any time by the Chief of Police or the Bureau Commander.
7. A proper system of accounting, to include a record of all receipts, deposits, payments, and transactions of any kind will be maintained by Property Room personnel. Completed receipt books will be turned over to Finance.
8. Access to funds maintained in the Property Room will be strictly limited to employees assigned to the Property Room.
9. The safe requires two combinations to unlock. No single person will have both combinations. Each person assigned to the Property Unit will have only one of the combinations. Both combinations will be held in a sealed envelope in Police Administration in case of an emergency need to open the safe.

D. Returning Money to Claimants

Money will be returned to persons claiming funds in accordance with the following procedures.

1. The release of all funds will be approved through the Property Unit Supervisor.
2. Money seized as evidence will be released only upon presentation of a court order authorizing the release and naming the person to whom the money may be released.

3. Money seized as found property or safekeeping will be released only to persons who can establish proof of ownership. In the case of found money, if no owner comes forward to claim it within 90 days, the finder may collect the funds. (City of Escondido employees are excluded from this policy.)
4. Money seized as found property or safekeeping will be released in the following manner.
 - a. Money seized as found property or safekeeping which has not been deposited in the City account will be released as cash from the original currency envelope by a Property and Evidence Technician.
 - b. Money seized as found property or safekeeping, which has been deposited in the account, will be released in the form of a check drawn from the established account.

E. Currency Impounded as an Asset Seizure

The law allows for the seizure of currency suspected to be proceeds from narcotics trafficking. The seizure of such funds will adhere to the following procedures.

1. Currency that is to be seized as an asset will be counted at the time and place of discovery. The count will be conducted by the discovering official and witnessed by one additional officer or detective.
2. Seized currency shall be packaged in accordance with the procedures established within this Instruction and detailed in Section B: Impounding Currency as Evidence.
3. The person from whom the currency has been seized will be immediately served with a receipt of the exact amount of money seized and a notice of seizure. Such service and notification will be made by a narcotics detective or his/her designee.
4. The seized currency will be impounded into the Property Room in accordance with the procedures established within this Instruction and detailed in Section B: Impounding Currency as Evidence.
5. The seized currency will be removed from the Property Room by a narcotics detective and deposited into the District Attorney's asset seizure account on the first business day after the seizure or as soon as possible.
6. All inquiries with regard to seized currency will be directed to the supervisor of the Special Investigations Unit.

XIV. FIREARMS

The procedure for the preservation, transporting, and booking of firearms will be as follows:

- A. All firearms will be cleared and unloaded prior to booking as evidence. Careful documentation of the placement and location of ammunition must be made prior to the gun being unloaded. Any officer who is not familiar with a weapon and procedures for unloading it shall request the advice and assistance of trained personnel or a supervisor.
- B. All firearms will be secured with zip ties, which may be placed through the magazine well and ejection port of semi-automatic pistols and rifles and will be placed through the open cylinder area of revolvers. Under no circumstances will zip ties be placed down the barrel of any weapon.

Firearms must be impounded in Department provided gun boxes. The firearm box will be secured with evidence tape from end to end and signed where the tape meets the box with initials, ID#, and date.

Manufactured hard cases, soft cases and other carrying accessories must be impounded separately. The QueTel generated Firearms Report will be completed on every firearm impounded and the printed report will be submitted with the officer's paperwork to Records. The firearm will be placed in a property locker.

- C. Any firearm that needs to be fingerprinted will be unloaded by gloved personnel, taking care to handle the gun and any corresponding ammunition carefully to endeavor to preserve any potential fingerprints. The firearm will be packaged and sealed in an approved manner. The evidence follow-up lab request form will be filled out, documenting the required testing.
- D. All firearms will be identified with a complete description, including make, caliber, model, color, barrel length, type and serial number (include country of origin and importer if applicable).
- E. A firearm confiscation report #254 shall be provided to anyone relinquishing a firearm for WIC 5150, domestic violence, destruction, due to court order, or seized in a search warrant, pursuant to PC 33800.

XV. AUTOMATED FIREARM SYSTEM

- A. Uniform Officer's Responsibility - All officers taking possession of any firearm, for any reason, shall make an attempt to determine whether or not the firearm is stolen and/or to whom the firearm is registered. They shall then direct their course of investigation accordingly. The facts surrounding this attempt will be reduced to writing and will be reflected in the appropriate reports. Enter the registered owner's information into QueTel.

- B. Property Division Personnel - The Property Division shall be responsible for entering into the Automated Firearms System the data contained in the Teletype form.
- C. Property Gun Desk – The Property Gun Desk shall be responsible for submitting an eTrace of any firearm's origin through the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The investigating officer or detective will be advised if the gun and/or casing(s) is/are eligible for submission to the Integrated Ballistics Identification System testing unit at the San Diego Regional Crime Laboratory.
- D. Whenever any firearm is released from possession by the Property Division, the Property and Evidence Technician shall forward all firearms information to the Records Division for inclusion with the case file. Removal from AFS will be completed by the Property Division.
- E. All copies of Teletype transmissions shall be forwarded to the Investigations Division. Local registrations shall be filed in accordance with current policy.
- F. California Department of Justice (Cal DOJ) - It is now the responsibility of Cal DOJ to conduct an investigation that determines an individual's right to possess a firearm. Any person who wishes to take possession of a firearm that has been approved for release, must present an original letter from Cal DOJ authorizing that specific person to recover the firearm from the department. All dispositions and verifications, including entry, update, clearances, and cancellations of the Automated Firearm System shall be entered by the Property Division.

Prior to releasing a firearm, Property Division personnel will conduct an abbreviated records check in the name of the individual seeking its return: recent prohibitions in CARPOS, MHFPS, APPS and Criminal History, and confirm registration of the weapon(s) in AFS.

XVI. FOUND PROPERTY / SAFE KEEPING

When items are collected as found property or safe-keeping, they shall be impounded prior to the end of shift. If an officer is unable to package item(s) of found property or safe-keeping by the end of their shift, they may place the item(s) in a locker, secured with a note and follow-up email advising property of the circumstances and a date in which they will complete the impound. All found property/safe-keeping items shall be photographed prior to being impounded.

The officer is to provide the owner with a safekeeping receipt (EsPD #100), after obtaining the owner's signature on the form. In the event the court retains the evidence, a property transfer form is needed.

XVII. EVIDENCE REPORTING

When evidence is booked, it shall be the responsibility of the booking officer to complete the QueTel entries, print out forms, attach barcode labels and package and seal the evidence in the approved manner.

XVIII. NOTIFICATION TO FORENSIC SERVICES UNIT FOR FOLLOW-UP

When physical evidence which will require scientific examination or follow-up is booked as evidence, an EPD lab service request form is to be filled out by the officer.

XIX. PRESENTATION IN COURT

The officer who is to offer testimony in a case shall provide Property personnel 24-hour notice so items can be pulled and staged for collection. They will then transport and safeguard the concerned physical evidence from the time of its withdrawal from the Property Room until its presentation in court or return to the Property Room.

XX. INVESTIGATIONS DIVISION / PURGING OFFICER RESPONSIBILITY IN DISPOSING OF EVIDENCE

The Investigations Division or Property Unit Purging Officer will be responsible for the adjudication and disposition of all evidence involving criminal cases, with the exception of traffic-related evidence for which the Traffic Division will assume responsibility.

- A. The Property Division will be responsible for sending out the electronic disposition request forms directly from QueTel.
- B. Sergeants will be cc'd on all second requests, and on subsequent requests the Lieutenant will be notified.
- C. Below are the guidelines for disposition of impounded property/evidence.
 - 1. Review case to determine if the suspect has been arrested or charged, or to determine if there are multiple suspects in the case.
 - 2. Review the disposition sheet from court to see if the suspect(s) has been convicted and if the time during which an appeal can be filed has elapsed.
 - 3. If no disposition sheet is available, a check of the District Attorney's files shall be made to see if charges were filed against the suspect(s) and if a conviction has been entered.
 - 4. If the District Attorney's files show a filing, but no conviction, a check of the Sheriff's warrant files shall be made to determine if a warrant is in the system for the suspect(s).

5. Property or evidence that may fall subject to civil action under The Tort Claims Act or to an administrative investigation will be held by the Property Division until a release disposition is authorized by the City Attorney or supervisor of an administrative investigation. It shall be the responsibility of the claim or administrative investigator to notice Property Division personnel that a hold be placed on property relating to a claim, civil action, or administrative investigation. The Internal Affairs Unit will maintain responsibility for this procedure.
6. For property that can be released back to the owner/victim, the owner/victim information, including address, email and phone number, should be listed on the property disposition sheet by the officer authorizing the release of the property.
7. On property that cannot be released/disposed of/destroyed, the reason for the retention will be noted in the comment section of the QueTel dispo screen (e.g., homicide case, warrant in the system, not past statute of limitations, etc.) by the officer reviewing the property.

XXI. DISPOSITION PROCEDURE

The Property and Evidence Technician shall dispose of articles of evidence in one of the following manners:

- A. Released - Items other than guns, knives, contraband, or minute/microscopic samples of no monetary value, whose owner is known, and wishes to regain such items, may be released to the owner.
- B. Safekeeping - Items placed into Property other than guns, knives, contraband, or minute / microscopic samples of no monetary value, or whose owner is unknown or cannot be contacted or who does not wish to regain such items, shall be turned over to the Property and Evidence Technician for destruction. Refer to Section XXII.A. for the appropriate disposition of firearms.
- C. Destruction - Guns, knives, and contraband shall be turned over to the Property and Evidence Technician for subsequent destruction or notification to other agencies for such destruction.
- D. Minute Samples - Minute/microscopic samples of no monetary value shall be destroyed by a Property and Evidence Technician.

XXII. DISPOSITION BY PROPERTY TECHNICIAN – EVIDENCE AND FOUND PROPERTY

- A. Weapons

1. All weapons held by the Police Department as found property or for safekeeping will be held a minimum of three (3) days. Found and safekeeping weapons will be retained a maximum of six (6) months. At the end of this time period, the weapons will be placed with those weapons to be destroyed.
2. The Property Unit will maintain a list, with the assistance of the Crimes of Violence Unit, of any firearm that may be outstanding. When a weapon of that description comes into the possession of the Property Room, the Crimes of Violence supervisor will be notified and shall direct the Property Unit how to handle the firearm.
3. When a weapon is impounded for found property or safekeeping, the Property and Evidence Technician will send a letter to the owner, if known, of weapons advising them to pick up the property within 180 days or the item(s) will be disposed of as provided in Penal Code Section 33875. If, at the conclusion of six (6) months, the owner of a found or safekeeping weapon has not been identified and/or has failed to retrieve his/her property, the item will be destroyed.
4. The final disposition of any and all other weapons that are taken into custody by other investigation units, or weapons that fall into the investigative responsibilities of such units as Narcotics, Vice, Burglary, Juvenile, etc., shall be the responsibility of the assigned investigator to authorize the weapons' final disposition.
5. Firearms will be disposed of twice annually in accordance with Section 33875 of the California Penal Code or as needed to ensure adequate storage space for firearms.

B. Other Dangerous Weapons

Weapons listed in Penal Code Section 18010 will be disposed of between July 1 and July 10 of each year, or as needed, to ensure adequate storage space for the weapons.

C. Unclaimed Stolen or Embezzled Property

The Property and Evidence Technician shall dispose of stolen or embezzled property in the following manner, in accordance with Civil Code Section 2080:

1. The Property and Evidence Technician shall notify the owner by letter of the location of such property and hold the property for a minimum of three (3) months.
2. Where no notice can be given, the Property and Evidence Technician shall hold the property for a minimum of six (6) months.

3. If the stolen or embezzled property is not claimed, the Property and Evidence Technician may place it up for auction to the public, in accordance with Section 10-163 of the Escondido Municipal Code.

D. Lost and Unclaimed Personal Property

Any lost or unclaimed property other than weapons, alcoholic beverages, controlled substances, explosives, etc., will be held for 90 days, then placed up for auction, destroyed or held for City use in accordance with Section 10-163 of the Escondido Municipal Code.

E. Lost and Unclaimed Monies

Any lost or unclaimed monies may be returned to the finder, after compliance with Section 10-161 of the Escondido Municipal Code, by the Property and Evidence Technician.

F. Bicycles

Bicycles will be held for a minimum of ninety (90) days. If not claimed, bicycles will be placed up for auction to the public, in accordance with Section 10-160 of the Escondido Municipal Code, or donated to charity.

G. Property Without Value

Property without any value that can be disposed of may be destroyed by the Property and Evidence Technician.

H. Alcoholic Beverages

Alcoholic beverages, when no longer needed as evidence, shall assume the character of found property or property without value and will be disposed of.

I. Pornography

Pornographic material may be destroyed upon order of the court and in accordance with Section 312 of the Penal Code.

J. Gambling Devices

Gambling devices will be disposed of thirty (30) days after proper notice of intention to destroy has been provided and in accordance with Section 335a of the Penal Code.

K. Counterfeiting Equipment

Counterfeiting equipment, when no longer needed as evidence, must be destroyed as stated in Sections 480 and 502.11 of the Penal Code.

XXIII. NARCOTIC FOUND PROPERTY PROCEDURE

- A. All controlled substances found by an individual officer or a citizen and impounded at the Escondido Police Department will be given an Escondido Police Department general case number.

QUANTITY HAS NO EFFECT ON THIS POLICY.

- B. Officers will not, under any circumstances, destroy, or permit to be destroyed, any controlled substances or fail to initiate a General Case number on evidence, found property, or property submitted to them by a citizen as found property.
- C. At no time will any officer retain possession of any controlled substance, either on his/her person, in his/her locker, his/her office, or any other location, other than the Narcotics evidence locker. The only exception is narcotics that are checked out to the K-9 Unit for utilization in the training of police dogs in narcotics detection.
- D. Any controlled substance evidence or found property, without exception, must be weighed, packaged, entered into the QueTel system and placed in the narcotics evidence locker prior to the termination of the officer's regularly assigned shift.
- E. Controlled substances impounded as found property are NOT to be tested prior to being packaged. If the substance is suspected of containing fentanyl or similar drug, indicate on the outside of the packaging.

XXIV. NARCOTIC EVIDENCE IMPOUNDING PROCEDURE

Drugs – This includes all illegal/legal controlled substances such as narcotics, prescribed medications and over the counter medications, including aspirin products, vitamins, diet aids, etc. Kit-type items include pipes, baggies, bongs, scales, razor blades, and other paraphernalia, with or without residue.

Narcotics or suspected narcotics shall only be transported directly from a police vehicle to the evidence handling room for processing and packaging. Narcotics shall not be taken to other parts of the police building for any reason.

- A. Items of the same category and located at the same location may be packaged together after proper documentation in a K-PAK with a single heat seal across the top. Do not section the bag.
- B. The original packaging and paraphernalia should be impounded in a separate bag. Sharps and glass bulbs shall be packaged in a sharps tube prior to packaging.

- C. Any packaging that accompanies the narcotics requiring prints should be impounded in a 9x12 envelope marked HOLD FOR PRINTS.
- D. Large volumes of liquid-type drugs will not be accepted into evidence. See Hazardous Materials and Chemicals section. Contact HAZMAT for destruction. Sample vials available in the drug impound area will be used for lab analysis.
- E. Separate packages shall be made of different kinds of narcotics. Additionally, all controlled substances must be packaged separately from items requiring further processing by the Escondido Police Department Forensic Services Unit or the San Diego Sheriff's Department Crime Lab. If evidence that requires processing is packaged with a controlled substance or currency, the following procedures must be followed:
 - 1. Two persons must be present at the time that the sealed evidence package is opened.
 - 2. An inventory of the contents in the package must be made, witnessed and noted on the barcode record in QueTel (i.e., contents complete; contents incomplete; and witnessed by . . .).
 - 3. If the contents are complete and no discrepancy is noted, the item in the evidence bag shall be processed immediately and then resealed in the original evidence bag.
 - 4. In the event that the contents of the sealed evidence bag are incomplete, the person who has broken the evidence seal shall immediately notify his/her immediate supervisor, who will conduct an investigation.
- F. Identification and Preservation – Each piece of drug evidence must be documented from the time it is acquired until it is disposed of. Each narcotic item will be weighed for gross weight, sealed into an appropriate bag, and then properly marked in accordance with the correct information required on the outside of the sealed plastic bag.
- G. The QueTel barcode record will be completed. Give a full description of the evidence, including weight and accurate count. Attached to the outside of the sealed narcotic bag will be a completed San Diego Sheriff's Department Property/Evidence form for all narcotics that need to be sent for analysis.
- H. Fresh vegetation, such as marijuana, must not be placed in plastic bags. The officer will impound the fresh vegetation in a paper bag. Once the item is completely dried, a Property and Evidence Technician will contact the officer for re-packaging into a K-PAK bag.
 - 1. Bundles/bricks of marijuana should be individually marked and barcoded.

2. For large quantities and/or cultivation, contact FSU for assistance and collection.
- I. Storage Procedure - Drug evidence shall be stored separately from other types of physical evidence.
- J. Storage Facilities - Drug evidence shall be stored with maximum security.
- K. Access to the Narcotics Evidence Room - Access to the Narcotics Evidence Room shall be limited to authorized personnel only, which includes the Property and Evidence Technicians and the supervisor in charge of property and evidence.
- L. The purging of drug evidence will be done on an ongoing basis. The Bureau Commander shall require a quarterly audit of all narcotic evidence, documenting the location and condition of all impounded narcotics.
- M. Removal from Storage - Whenever drug evidence is removed from storage, whether it be for analysis, court testimony or other official business, the reason for removal shall be documented and tracked in the QueTel computer tracking system.
- N. Weighing - Weights of drugs shall be obtained on as accurate a balance as possible. Gross weight, and whether it is a usable amount, is required by the District Attorney's Office.
- O. Testing – Narcotics will NOT be field tested for any reason. Once at the station, officers are to obtain a gross weight with packaging and use the TruNarc presumptive testing device for analysis. Packaging is not to be opened under any circumstance. ALL WEIGHING AND TRUNARC TESTING SHALL BE CONDUCTED USING THE FUME HOOD (TURNED ON WITH SASH DOWN) IN THE NARCOTICS EVIDENCE ROOM.

Under certain situations, there may be a need to conduct a presumptive test using either a Narkit Jr or TruNarc with open packaging. In these circumstances, the SIU Sergeant will be notified and arrange for SIU detectives to respond and handle the testing procedure. Such circumstances may include the following: large quantities of narcotics; sales cases; DEC cases; etc.

XXV. EVIDENCE REQUESTS FOR COURT

- A. Notify the Property and Evidence Technicians when the evidence will be needed for court. This is accomplished by giving the Property and Evidence Technicians a copy of the subpoena as soon as it is received to assure ample time for processing the evidence requested.

- B. Officers should write the barcode number on the subpoena prior to submission. If there are special requests or if all property on the tag is not needed, it should be clearly indicated on the subpoena.
- C. Advise the Property and Evidence Technicians of any change of pleas and/or continuances.
- D. Pick up the evidence from the Property and Evidence Technicians before going to court. A Property Transfer form shall be completed for items to be retained by the court.
- E. If the case is continued or disposed of, the arresting officer will return the evidence to the Property Unit via one of the various property drop locations.

XXVI. RE-ENTRY TO STORAGE

Anytime drug evidence leaves the storage facility and is later returned, the condition of the seals shall be checked by a Property and Evidence Technician before placing the evidence back into storage. If the seals have been disturbed, a determination shall be made as to whether or not any changes in amount and/or composition have occurred. The extent of this examination shall be determined by the existing circumstances.

XXVII. DISPOSITION OF CONTROLLED SUBSTANCES

- A. Section 11474 of the Health & Safety Code, effective January 1, 1981, specified controlled substances, instruments, or paraphernalia, pursuant to the provisions of Section 11473 or 11473.5, may be destroyed by a police officer or the Sheriff's Department by obtaining a court order.
- B. The procedure for destruction of controlled substances, after the court order is obtained, is handled by the Property Unit supervisor and destroyed by a vendor approved by the State of California.

XXVIII. LOCATOR FILE

The QueTel computer tracking system will be used to maintain chain of custody records and all information related to a given item of property or evidence from the time it enters custody of the Escondido Police Department until it reaches its final disposition.

XXIX. EVIDENCE TRANSPORT TO AND FROM SDSD CRIME LAB

The SDSD Crime Lab personnel will no longer transport evidence to and from the lab. When an item of evidence is required for court, officers will adhere to the following procedure.

- A. A copy of the subpoena requiring evidence shall be made as soon as it is received and placed in one of the property mailboxes.

- B. The Property and Evidence Technician or his/her designee will pick up evidence from the SDSD Lab and check it in with the Property Unit. Officers needing evidence for court will be responsible for checking it out from the Property Room. If the court does not keep the evidence for the case, the officer will return the items to the Property and Evidence Technician. Blood and urine samples will be returned to the San Diego Sheriff's Department Crime Lab by the Property and Evidence Technician or their designee.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 2.1 COMMUNICATIONS/ RECORDS
TO: ALL PERSONNEL	SUBJECT: RADIO SYSTEM / EQUIPMENT GUIDELINES AND PROTOCOL	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supercedes Department Instruction 2.1, dated April 21, 2016.

I. PURPOSE

To establish policies and procedures for the use and operation of the RCS 800 MHz radio system and equipment as it relates to the Police Department.

II. BACKGROUND

- A. Only Escondido Police Department personnel who have been properly trained on protocol / procedures and radio equipment familiarization will be authorized to use radio equipment (portable & mobile equipment).
- B. Within the Escondido Police Department radio fleet map, there are numerous talkgroups (or channels) that have specific usage requirements. Personnel are required to be aware of protocol requirements relating to the various talkgroups / channels.
- C. The Escondido Police Department fleetmap has been designed for use based on the Department's divisions – one for each major division within the Department:

PAT – Patrol-based operations

TFC – Traffic Division-based operations

SID – Special Investigations Division-based operations

CID – Criminal Investigations Division-based operations

SWT – Critical incident communication/operations

CTY – Intra-City communications/operations

- D. Within the various zones, channels are oriented to facilitate respective divisional communications needs.

III. PRIMARY CHANNELS

- A. DISP 1, DISP 2 – Routine dispatching between the Dispatch Center and Field units. Examples include radio calls, “rolling” stolen vehicle checks, traffic stop broadcasts, etc.

- B. In the event of emergency radio traffic being declared on DISP 1, routine dispatching traffic will then be directed to DISP 2.
 - 1. Emergency radio traffic incidents shall include ACTIVE/FLUID events such as vehicle pursuits, foot pursuits, etc. DISP 1 or DISP 2 are not the appropriate channels for static incidents that may be ongoing.
 - 2. At the first available opportunity when an event becomes static (but is still ongoing) at the direction of the dispatcher, on-scene supervisor or officer, all involved personnel will be instructed to switch to either ES TAC 1 or ES TAC 2.
 - a. For example, a foot pursuit where the suspect flees into a residence. Once the perimeter is established and the incident is reasonably contained, all communications relating to the incident shall be moved to ES TAC 1 or ES TAC 2.
- C. INQY – Teletype requests, wants/warrant checks, etc
- D. CARS – Field unit to field unit radio traffic.

IV. ES TAC 1 & ES TAC 2 CHANNELS

These channels are reserved to facilitate communication for CRITICAL INCIDENTS only (or incidents that have the potential to become critical incidents). These may also include events such as prolonged building searches, SWAT / critical incident coordination, etc. These are shared tactical channels, regardless of division.

V. DIVISIONAL CHANNELS / DIVISIONAL TACTICAL CHANNELS

The primary purpose of these channels is to facilitate communication for a specific division. For example, this can include car-to-car radio traffic when the CARS channel may be busy, or for extended special details not relevant to other divisions. Critical incident communications should not be conducted on these channels, as they are not shared within fleetmap zones by all divisions

- A. PATAC 1, PATAC 2 – Tactical channels reserved for Patrol Division use.
- B. TRFTAC 1, TRFTAC 2 – Tactical channels reserved for Traffic Division use.
- C. GUTAC 1, GUTAC 2 – Tactical channels reserved for Gang Unit use.
- D. SIUTAC 1, SIUTAC 2 – Tactical channels reserved for Special Investigations Unit use.

- E. CIUTAC 1, CIUTAC 2 – Reserved for routine communications for Criminal Investigations Unit use.

VI. SPECIFIC CRITICAL INCIDENT CHANNELS

In addition to ES TAC 1 and ES TAC 2, the primary purpose of these specific channels is to facilitate communications during critical incidents involving members of patrol, ENT and SWAT. For ease of use, personnel should select zone SWT. From this zone, all personnel involved in the critical incident can easily change between channels when needed to communicate with a specific specialized unit.

- A. ENT 1, ENT 2 – Tactical channels reserved for use by members of the Emergency Negotiations Team.
- B. ES SWAT 1, ES SWAT 2, ES SWAT 3 – Tactical channels reserved for use by members of SWAT.
- C. SWAT MA, SWAT MA DIR – Tactical channels reserved for use by members of SWAT during mutual aid SWAT incidents.

VII. INTRA-CITY CHANNELS

- A. CTYWD – Hailing channel shared by all City of Escondido radio users.
 - 1. An example of use for this channel would include a police officer hailing the Public Works Department or a Code Enforcement officer.
 - 2. Any conversation should then be immediately switched to a CTYTAC channel.
- B. CTYTAC 1, CTYTAC 2 – Shared channels for use as needed by all City radio users.
- C. CTYCMD – Command channel for communications between Police and Fire.

VIII. MUTUAL AID CHANNELS

- A. LE NCMD (North Command), LE SCMD (South Command) and LE ECMD (East Command) – These command channels work only in the associated geographical region. These channels have three purposes:
 - 1. Emergency Communications – Use as the primary channel for mutual aid incidents or other types of events requiring units from multiple agencies. These events include pursuits, 11-99s, riots, etc.

- a. Pursuits nearly always begin on the primary dispatch channel, DISP 1. If a pursuit remains within the city limits, or no other agencies' units are involved, then the pursuit will remain on DISP 1.
 - b. However, if the pursuit leaves the city or units from another agency are needed for assistance, LE NCMD shall be patched to DISP 1 by the dispatcher.
 - c. If the pursuit is anticipated to travel east on Highway 76 from Valley Center Road or south of the HWY 52 freeway, personnel shall switch to BLUE 1 at the direction of the dispatcher upon dispatch's completion of a "pre-announcement" on that channel to alert other agencies of the impending radio broadcasts.
 2. Interagency BOLs or Emergency Broadcasts – Use for communicating to multiple units/agencies during an emergency situation or to broadcast a BOL. Though field units will broadcast BOLs on the primary channel, dispatch will patch the primary channel to LE NCMD for the BOL.
 - a. BOLs should be broadcast if the information is relevant only to agencies in the North County area.
 - b. If the information should be made available to all agencies in the county, Blue 1 should be selected for this broadcast.
 - c. Regardless of whether the BOL is to be broadcast by the dispatcher or the field unit, the dispatcher will utilize the radio tone alert (Tone #1 on RCS Elite consoles, two seconds in duration) and then announce the BOL. The announcement should be similar to: "[tone] Standby for a BOL regarding ____ from Escondido PD unit ____ on (channel)."
 3. Hailing Field Units or Dispatch Center – Use to hail another field unit or agency and immediately switch to an associated TAC channel to have the conversation. Be sure to use plain text and your full agency name and call sign.
- B. BLUE 1 and BLUE 2 – These channels work throughout the entire county and, in some cases, up through portions of Orange and Riverside counties. These channels are reserved for pursuits, BOLs (not pertaining solely to North County), and 11-99s.
1. Pursuits
 - a. Pursuits nearly always begin on the primary dispatch channel, DISP 1. If the pursuit is anticipated to travel east on Highway 76 from Valley Center Road or south of the HWY 52 freeway, personnel shall switch to BLUE 1 at the direction of the dispatcher upon dispatch's completion

of a “pre-announcement” on that channel to alert other agencies of the impending pursuit related radio broadcasts.

- b. The dispatcher will use a steady alert tone (Tone #1 on RCS Elite consoles, two seconds in duration) and announce the channel change. All involved units will then be instructed to change mobile and portable radios to BLUE 1.
- c. In the event of a multi-agency pursuit, the originating agency continues the dispatch coordination of the pursuit, regardless of jurisdiction.
- d. When the urgency of the event has been reduced (i.e., suspects are in custody and units on the scene are simply directing traffic, awaiting tow trucks, etc.) dispatch will move units to the appropriate area TAC channel. A TAC channel, such as ES TAC 1, may be patched with the area TAC to allow supervisors to communicate with units still on scene.

2. BOLs

- a. A BOL broadcast on BLUE 1 should occur when ALL agencies in the county should be made aware of the incident.
- b. Regardless of whether the BOL is to be broadcast by the dispatcher or the field unit, the dispatcher will utilize the radio tone alert (Tone #1 on RCS Elite consoles, two seconds in duration) and then announce the BOL. The announcement should be similar to: “[tone] Standby for a BOL regarding _____ from Escondido PD unit _____ on (channel).”

IX. ALLIED AGENCY CHANNELS

- A. Mobile and portable radios are programmed with the primary dispatch, secondary dispatch and one tactical channel for various law enforcement agencies within San Diego County.
- B. In accordance with radio-use protocol set forth by all agencies within San Diego County, personnel are prohibited from transmitting on any allied agency channels. Exceptions shall include:
 - 1. Personnel working a special detail with that agency requiring use of that agency’s channels.
 - 2. Prior approval from that agency authorizing use of their channel.
 - 3. The need to do so is of such urgency that interference on that agency’s channel would be justified.

- C. Due to the expressed prohibition to do so by all agencies within San Diego County, the PRIMARY DISPATCH channel of an allied agency shall never be patched to DISP 1 or DISP 2.

X. EMERGENCY RADIO TRAFFIC

- A. Emergency radio traffic incidents shall include ACTIVE/FLUID events such as vehicle pursuits, foot pursuits, etc. DISP 1 or DISP 2 are not the appropriate channels for static incidents that may be ongoing in duration.
- B. At the first available opportunity when the event becomes static (but is still ongoing) and at the direction of the dispatcher, on-scene officer or supervisor, all personnel will be moved to either ES TAC 1 or ES TAC 2.
 - 1. For example, a foot pursuit where the suspect flees into a residence. Once the perimeter is established and the incident is reasonably contained, all communications relating to the incident shall be moved to ES TAC 1, ES TAC 2, etc.
- C. When emergency traffic is declared, the dispatcher will use the radio alert tone (Tone #1 on RCS Elite consoles, two seconds in duration) and broadcast wording similar to, "Emergency traffic," over DISP 1, DISP 2, and INQY.
- D. The dispatcher will continue to periodically advise of emergency traffic to alert field units or agency units who may come up on the air unknowing of the emergency radio traffic.
 - 1. For example: "Units continue emergency traffic," or, "Units continue E.T. on one."
 - 2. The dispatcher will frequently broadcast this advisement (approximately once per minute), especially if there is little radio traffic. Exceptions/considerations include:
 - a. As clear radio traffic allows.
 - b. Frequent radio traffic of an urgent nature that would be obvious to listeners of a critical incident occurring on the channel.
 - c. When requested to keep the air silent for purposes of officer safety.
- E. When emergency radio traffic is to be cleared, the dispatcher will use a steady tone (Tone #1 on RCS Elite consoles, lasting two seconds in duration) and broadcast wording similar to, "Clearing emergency traffic," over DISP 1 and DISP 2.

XI. EMERGENCY ACTIVATIONS

- A. The emergency button located on the portable radio should be activated only when a CODE-3 response is requested.
- B. Despite the emergency activation, officers should still attempt to advise of their situation when able to do so.
- C. When the communications center receives an emergency activation, the dispatcher will acknowledge the alarm over the air. The acknowledgement will be similar to “[tone – (Tone #1 on RCS Elite consoles)] Unit _____, emergency activation at (unit’s location) for a (unit’s activity).”
- D. If the emergency activation is accidental, the officer should attempt to immediately advise dispatch of such after deactivating the emergency activation on the portable radio.
 - 1. For example: “Unit 242, accidental activation.”
- E. If there is no response from the field unit after being hailed once by the communications center, appropriate unit(s) will be immediately sent CODE-3. Emergency traffic will then be declared by alerting field units with a steady tone (Tone #1 on RCS Elite consoles) and announcement of emergency radio traffic.
- F. Only after assistance has been sent will the dispatcher continue to attempt raising the field unit with the emergency activation.
- G. It should be noted that when the emergency button is activated, the activation alarm is sent to all agencies within the County of San Diego. The “activating agency” will be responsible for acknowledging and addressing the emergency activation.
- H. “11-52” INQUIRIES
 - 1. In the interest of officer safety where the physical well being of a field unit may be in question, Dispatch may broadcast an 11-52 (Are you okay?) inquiry to that unit.
 - 2. This inquiry shall be reserved only for those instances where information and/or circumstances place an officer’s safety in question and not solely the result of a non-responsive field unit.
 - 3. The field unit shall then give the appropriate response. The appropriate response will be the officer’s call sign (if assigned one) and ID number followed by the word “affirmative.”
 - a. For example:

Dispatch: "Unit 242, 11-52?"

Field Unit: "Unit 242, ID 217, affirmative."

- b. Or, if the officer is off-duty or not assigned a call sign:

Dispatch: "Officer [last name only], 11-52?"

Officer: "ID 217, affirmative."

- c. Any response other than the above, the field unit will be sent assistance CODE -3.

XII. RADIO ALERT TONE

- A. The alert tone is utilized to obtain the attention of radio users to urgent broadcasts. The alert tone will consist of a steady tone (Tone #1 on RCS Elite consoles lasting approximately two seconds in duration) followed by the broadcast.
- B. Examples of broadcasts that may require an alert tone include:
1. Officer needs help or CODE-3 cover requests.
 2. Possible robberies, carjackings, burglaries in progress.
 3. Major assaults or crimes against persons in progress.
 4. Major traffic or industrial accidents.
 5. Information of a priority nature.
 6. Declaring emergency radio traffic.
 7. BOLs (on BLUE 1, BLUE 2, or LE NCMD) or other circumstances requiring an alert tone.

XIII. BASIC RADIO PROTOCOLS

- A. Radio Transmissions
1. Broadcasts will be transmitted clearly and impersonally utilizing appropriate voice volume.
 2. Personnel shall use appropriate "10" and "11" radio codes and phonetic alphabet when appropriate on channels specific to the Escondido Police Department.
 3. Personnel will generally use plain language on all other mutual aid and allied agency channels.

4. Broadcasts will be brief and reduced to a minimum of terms.
5. No offensive or inappropriate language will be broadcast.
6. All broadcasts will be acknowledged by the use of the appropriate response, such as "10-4," or "affirmative."
7. The use of plain language is encouraged if codes do not fit the situation or more specific information is needed.
8. Broadcasts of traffic stops should generally follow the following format:

Field Unit: "H, Unit 242, 11-49 at Broadway and Washington, (plate) 4UZV123."

Dispatch: "10-4, 242, at Broadway and Washington."
9. Phonetic Alphabet
 - a. Some names must be spelled for clarity. Pronounce the name first and then spell it using the appropriate phonetic alphabet letter.

B. Radio Equipment

1. Mobile and portable radios are for use by Escondido Police Department personnel ONLY. Any exception to this must have the approval of the Watch Commander who will then be responsible for notifying Dispatch of the radio's user and contact information should the radio become lost or stolen.
2. Due to the sensitive nature of programmed frequencies, all portable radios will be stored and cared for in a manner that will prevent their misuse, theft or loss.
 - a. In the event that a radio is lost or stolen, its loss will immediately be reported to the dispatch center and a supervisor.
 - b. The dispatch center or supervisor in charge of radios will then immediately notify the San Diego County Sheriff's Communications Center of the loss and the radio ID number so as to deactivate the radio from the system. During normal business hours, a lost or stolen radio form may be submitted to the Sheriff's Department Wireless Services Division in lieu of contacting the San Diego County Sheriff's Communications Center.
3. Portable and mobile radio equipment will be cared for so as not to promote damage.

4. Unless issued a portable radio, personnel will return “spare” portable radios to the charging bank at the end of shift. NO PORTABLE RADIO, UNLESS ISSUED, WILL BE RETAINED BY PERSONNEL LONGER THAN A 24-HOUR PERIOD UNLESS APPROVED BY THE WATCH COMMANDER.
5. Personnel shall ensure that accessories, such as lapel microphones, battery chargers, earpieces, etc. are compatible with the radio equipment so as not to cause damage or impair performance.
6. Defective or damaged radio equipment will be repaired immediately in accordance with guidelines set forth by the Department.

C. Radio Use Outside the County

1. To prevent interruption of service, loss of service, or inadvertently transmitting on another agency’s frequency, personnel SHALL NOT transmit on ANY channel/talkgroup outside the county of San Diego except on the following channels:
 - a. Zone 8M1 - CALAW8, 8CALL90, 8TAC91 (Direct), 8TAC92 (Direct), 8TAC93 (Direct), or 8TAC94 (Direct).
 - b. Zone 7M1 – All talkgroups
 - c. Zone 7M2 – All talkgroups.

XIV. ENCRYPTION:

- A. Encryption is a feature that enables secure voice communication. Radios are assigned a unique encryption key to allow users to communicate securely. A talkgroup with *strapped* encryption is encrypted at all times and no user intervention is required to enable or disable the encryption. A talkgroup which is encryption *capable* requires a user to activate the encryption feature manually to secure voice communication. All talkgroups unique to the Escondido Police Department are encryption capable.
 1. The transmission of sensitive criminal justice information (CJI) and personally identifiable information (PII) must be encrypted pursuant to the FBI Criminal Justice Information Services (CJIS) Security Policy sections 5.10 and 5.13 and access may only be provided to authorized individuals as defined under the California Law Enforcement Telecommunications System (CLETS) and the FBI CJIS Security Policy. In order to comply with this policy, and in an effort to promote officer safety and prevent criminal monitoring of police communications, all personnel shall utilize encryption at all times, unless unencrypted communication is approved by the Watch Commander.

2. During mutual aid incidents or pursuits, patching an encrypted Escondido Police Department talkgroup to a non-encrypted mutual aid talkgroup is necessary to facilitate communications between agencies. When these patches are in place, radio communications are no longer encrypted by the system.

XV. RADIO SYSTEM FAILURES:

A. Types of radio system failures:

1. Site Trunking
 - a. When this failure occurs, “Site Trunking” appears in the radio’s display. Radio coverage is limited to the geographical coverage area of the simulcast site. Emergency buttons on portable radios will work.
2. Failsoft
 - a. When this failure occurs, “Failsoft” appears in the radio’s display. All radios will default to a single conventional channel and coverage is limited to the geographical coverage area of the simulcast site. The emergency button on portable radios will not work and a single “beep” will be heard on all radios every 10 seconds.
3. Total System Failure
 - a. When this failure occurs, “Out of range” appears in the radio’s display. All radios will only work in the conventional mode (8M1 zone). The emergency button on portable radios will not work.

B. Procedures for Radio System Failures

1. Site Trunking
 - a. Monitor radio for direction from dispatch.
2. Failsoft
 - a. Limit radio traffic to necessary communications. Utilize CAD when possible.
 - b. Monitor radio for direction from dispatch.
3. Total System Failure
 - a. All radios users should revert to the RCS back-up communications plan. The back-plan requires all radio users to switch to 8TAC92, which is located in the 8M1 zone, mode 3, in repeater mode. Dispatch shall activate the Mt. Palomar 8TAC92 repeater. Talkgroups CARS 1, CARS

2, CARS 3 and CARS 4 may be used for tactical communications as needed.

- b. During a total system failure, 8TAC92 will be shared with Carlsbad Police. All Escondido radio users shall preface their unit identifier with “Escondido” to avoid confusion. Radio traffic should be limited to essential communications and either CAD or cellular phones should be utilized when possible.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-29-20	NO: 2.2 COMMUNICATIONS/ RECORDS
TO: ALL PERSONNEL	SUBJECT: PRIORITY OF RADIO CALLS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 2.6, dated October 19, 2016.

I. PURPOSE

The purpose of this Instruction is to identify a priority for the dispatching of calls for service to field patrol units in an efficient and expeditious manner.

II. POLICY

- A. This policy defines the type of calls that can be delayed and those of an emergency or urgent nature necessitating immediate response. The priority of an awaiting call for service may be lowered or elevated as dictated by mitigating circumstances.
- B. In the event of an unusual occurrence or emergency, the Watch Commander or field supervisor, will have authority to re-direct or suspend awaiting calls for service. Consideration should be given to the type of call holding, shift resources and the need for efficient operation.
- C. Priority of Calls
 - 1. **PRIORITY ONE** - Emergency situations that will be dispatched immediately. These calls will generally be preceded by a steady alert tone to gain the attention of field personnel and generally require a Code 3 response. (Note: Explosive Device 1089DP is not preceded by an alert tone) Examples include:
 - a. Officer needs assistance (11-99s, Code-3 cover requests, etc.).
 - b. All lifesaving calls (11-45s, 11-80s, drownings, non-breathing children).
 - c. Shooting or stabbing calls (attempted homicides).
 - 2. **PRIORITY TWO** - Calls that are of an urgent nature and will be dispatched within a limited period of time. Examples include:
 - a. Crimes in progress (or just occurred, where the possibility of suspect apprehension exists).
 - b. Robbery alarms (Note: All 211 robbery alarms will be preceded by an alert tone).
 - c. Silent burglary alarms and residential duress alarms.
 - d. Lost children of "tender" years.
 - e. Domestic violence.

- f. Bomb threats (10-89).
 - g. Disturbances (415s) involving weapons or violence.
 - h. Prowler calls (suspect seen).
- 3. PRIORITY THREE - Examples of priority three calls include:
 - a. Shoplifter in custody.
 - b. Non-injury traffic collision blocking traffic.
 - c. 5150 evaluations.
 - d. Party calls.
 - e. Audible residential burglary and commercial burglary alarms.
- 4. PRIORITY FOUR – These are the least urgent calls for service and may be held for up to two (2) hours or longer as shift resources allow.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 08-28-24	NO: 3.1 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: PROCEDURES FOR HANDLING EVIDENCE, PROPERTY AND HAZARDOUS MATERIALS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Instruction 3.1 Investigations, dated October 31, 2022.

I. PURPOSE

The purpose of this Instruction is to establish the procedures to be followed when handling evidence and other property coming into the possession of any employee.

II. DEFINITION OF EVIDENCE

Any item that might lead to the identification, apprehension, or conviction of the perpetrator of a crime, or to the manner in which an incident occurred, is physical evidence.

III. AUTHORITY TO SEIZE EVIDENCE

Article I, Section 19 of the California Constitution provides that the State of California has the sovereign right as its judicial power to seize evidence so that it may successfully prove that the law has been violated.

IV. RESPONSIBILITY

Responsibility for locating, preserving, identifying, and protecting physical evidence is as follows:

- A. Generally – It is the responsibility of every officer to be thoroughly familiar with what constitutes physical evidence and with the procedures of protecting, handling, collecting, and preserving evidence and property.
- B. Protection of Evidence – It is the responsibility of every officer at the scene of an incident to protect physical evidence.
- C. Storing Evidence – It shall be the responsibility of the impounding officer to properly mark and package evidence and the responsibility of the Property and Evidence Technician to store physical evidence.

V. GENERAL PROCEDURE

The procedure for collecting and preserving physical evidence shall be as follows:

- A. Security – The officer assigned, or officer in charge, at the scene of an incident shall prevent all persons not necessary to the investigation from entering the area where evidence might be found.
- B. Crime Scene Responsibility – It is the responsibility of the assigned officer, or officer in charge, to ensure that all evidence at the crime scene is protected and preserved until the evidence can be properly recorded and collected. The officer in charge of a crime scene shall determine who shall record and collect physical evidence.
- C. Uncommon Incident – If the incident is of a serious or unusual nature, the assigned officer will immediately summon the assistance of their immediate supervisor.
- D. Assistance – When appraising an incident as serious or unusual, the supervising officer may summon the assistance of the Investigations Division.
- E. Isolation – When the Investigations Division is called to the scene of an incident, the scene shall be isolated until their arrival and until such time as the investigator has completed his/her investigation. No evidence should be collected until the Investigations Division has arrived at the scene. This guideline does not preclude photographing perishable evidence such as a burning cigarette or a glass with ice.
- F. Emergencies at Scene – The provisions for isolation of a crime scene do not prohibit emergency operations; however, such operations should be carried out with extreme care for the preservation of evidence.
- G. Search of Isolated Scene – When an investigator arrives at the scene, he/she shall be responsible for any search that may be conducted and shall be responsible for the recording and collection of physical evidence. The investigator in charge will maintain control of the scene and functional supervision over the evidence collection.

VI. RECORDING EVIDENCE

When evidence is located at the scene of an incident, written details of its location and condition will be made by the recording officer before it is disturbed or collected.

VII. PHOTOGRAPHING EVIDENCE

When evidence is located at the scene of an incident and recorded, photographs will be taken before the evidence is disturbed or collected.

VIII. EVIDENCE COLLECTION

Evidence shall be collected in accordance with accepted police methods.

- A. Precautions – Any officer who needs assistance with collecting or preserving any physical evidence which may be perishable or fragile, can be contaminated, is microscopic or that is of a dangerous nature shall request the advice or assistance of a designated evidence technician or supervisor.

IX. MARKING EVIDENCE

The procedure for marking evidence shall be as follows:

- A. All evidence will be photographed prior to collection, when possible. Each item will be placed in an appropriate container and secured in the approved manner. A sketch may also be completed to assist with proper documentation of evidence location.
- B. A plastic evidence tag may be used on items too large to be packaged. The tag shall be secured in such a manner that the item is not subject to contamination. If a plastic evidence tag cannot be secured to the item and it is impractical or unnecessary to package the item, the property label may be placed directly onto the item.
- C. A QueTel generated barcode label will be clearly attached to every package of evidence. Each package should have its own unique barcode. Additionally, there should only be one barcode per package.

X. PACKAGING EVIDENCE

When it is desirable to pack or wrap evidence to prevent contamination, or to preserve small items, the following shall apply:

- A. Evidence will be placed in an appropriate envelope, bag, container or box; a plastic evidence tag may be used on large items and the tag shall be secured in such a manner that the evidence is not subject to any contamination.
 - 1. Sealing the Package – Evidence tape is to be affixed to every package placed into evidence in the following manner.
 - a. All evidence bags are to be folded across the open end. The evidence tape provided by the Department is to be placed horizontally over the fold, sealing end to end where the tape and package meet, and marked with the sealing person's first and last initial (or name), I.D. number and the date.
 - b. Other types of packaging, such as boxes, bags, containers, etc., will have evidence tape over all visible openings with the same required markings.

- c. When packages are opened for court, viewing, or follow-up, existing evidence tape should not be broken. A new opening is to be cut on a different side of the package and the package should be resealed with new evidence tape as above.
- B. Biological Evidence - Biological items should never be sealed in plastic or glass containers. Bloodstained articles need to be dried in the drying chambers or air-dried and then double-bagged in paper. A biological hazard sticker will be prominently displayed on the outermost sealed bag of all biological evidence items.
- C. Single Package – Items of the same kind of physical evidence found in the same location may be placed together in one package and sealed.
- D. Separate Packages – The same kind of evidence found at different locations, items that can be contaminated, and articles requiring further scientific testing shall be placed in separate packages.
- E. Latent Fingerprints – Objects suspected of bearing or containing fingerprints should be printed at the scene when possible. Evidence to be transported for printing will be packaged in such a manner that potential fingerprints will not be disturbed while in transit. All latent print cards must be filled out completely and submitted in a sealed paper 9X12 envelope.
- F. Poisons – Poison foodstuff shall be placed in non-metal containers, marked as poisons, and placed in cold storage to prevent spoilage. For liquids, use a Department provided Nalgene double walled container.
- G. Documents – Any document which will require scientific examination shall be enclosed (UNFOLDED) in a paper 9X12 envelope. Scan the document into QueTel digital prior to impounding. If the document contains trace or fingerprint evidence, scan a photo of the item into QueTel prior to impounding.
- H. Syringes – All syringes shall be placed in a Department-provided syringe tube. Brand new bulk syringes in their original packaging with needle covers in place can be placed in a paper 9X12 envelope or paper bag. Syringes containing narcotics to be analyzed must be in non-roll containers; all others can be placed in large containers with cork ends.
- I. Hazardous Materials – Batteries, chemicals, flammable liquids, paint, etc., will be placed in one of the drops located on the west side of the Property Division.
- J. Edged Weapons – All edged weapons on which the blade cannot be folded back or secured with a safe holding sheath will be placed in a knife box. Photograph all evidentiary knives and upload to QueTel digital per the San Diego District Attorney's Office.

- K. Fireworks – Fireworks that can be safely transported and placed into evidence will be placed in one of the drops located on the west side of the Property Division. Fireworks can also be placed into metal paint cans located in the impound room. The containers are sealed to ensure sterilization – break seal and place items inside. Reseal can and place label directly onto it. Place one strip of evidence tape directly across the top and repeat the required markings.
- L. Perishables – Perishables that do not require further scientific study, such as alcohol and beverage containers, flowers, food, etc., will be photographed, documented, itemized, and then impounded for destruction by the reporting officer.

Alcohol containers needed for DNA/print processing only, should be photographed and emptied prior to being impounded.

Containers with alcohol requiring preservation of the liquid due to prosecutorial requirements (ABC violations, serious/fatal traffic collisions, and other serious crimes) shall not be emptied, but photographed and impounded in the same condition as collected.

- M. Ammunition - Ammunition may be placed in a paper bag, box, ammo can, or K-PAK. (Ammunition requiring fingerprint or other forensic analysis must be placed in a paper bag.) If the ammunition appears old, unstable, deteriorated or otherwise dangerous, notify the Property Division and/or Range staff for immediate disposal.

XI. TRANSPORTATION AND STORAGE

- A. Proof of Continuity – Proof of continuity of possession of physical evidence is essential in a trial. Therefore, it is desirable that evidence pass through the fewest hands possible. Evidence shall be transported from the field to the station only by the finding officer, the investigating officer, or the necessary specially trained personnel.

Evidence shall be transported from its point of origin to the station as soon as possible. The emergency nature of the incident involved, the seriousness of the incident involved, the type of material to be transported, and the workload of the transporting officer's unit will dictate when the evidence will be taken to the station for booking. *In no case will evidence be held by an officer after his/her tour of duty, with the exception of the Forensic Services Unit.*

If an officer is unable to package item(s) of evidence at the end of their shift, they may place the item(s) in a locker, secured with a note and follow-up email advising the Property Division of the circumstances and a date in which they will complete the impound.

- B. Explosive Substances/Devices – Any explosive substance/device dangerous to life, including blasting caps and professional fireworks, shall only be moved by an

explosive expert, or upon instructions from experts. Fixed ammunition for small arms is not included in this procedure.

1. Explosive substances/devices shall not be transported or stored at the Police Department unless so directed by trained personnel from the San Diego County Sheriff's Bomb/Arson Unit.

C. Radioactive Material – Incidents in which radioactive materials are involved or are suspected should be reported immediately to:

1. Immediate supervisor;
2. Fire Department;
3. San Diego County Office of Emergency Services, telephone number (858) 565-3490.
4. Identification Marks – All officers of this Department shall familiarize themselves with the approved design marking for radioactive material. This is a yellow circle with a black pie-shaped design within it (trefoil symbol).
5. Do not transport, handle or store suspected radioactive materials without instructions from experts.

D. Hazardous Chemicals

1. When police personnel encounter unknown or hazardous chemicals, the Escondido Fire Department and the San Diego County Hazardous Materials Unit will be contacted for the current procedures for handling the materials.
2. Do not transport, handle, or store suspected hazardous chemicals unless specific direction has been received by a qualified expert.

E. Biological Evidence – Blood samples, rape kits, and other biological evidence must be refrigerated as soon as possible. The containers will be sealed in accordance with the correct procedure and then placed in the temporary locked evidence refrigerator located in the property impound room.

1. Bloodstained, urine-stained, wet or moist articles must be dried prior to packaging. Drying can be accomplished with the drying chambers or by air drying. Trained evidence technicians can assist if necessary in properly drying biological articles and packaging the items in accordance with correct evidence and safety standards listed in Section X of this Instruction.

F. Storage Lockers

1. All evidence or found property should be stored in a locker of the appropriate size.
2. Bicycles will be tagged on the handlebars and locked in one of the three drop locations along the west side of the Property Division.

G. Cell Phones

1. Any cell phone obtained via consent for investigative purposes must be returned to the owner prior to the end of shift, or be impounded as evidence.
2. Detectives must impound evidentiary cell phones into QueTel and then may immediately check them out without physically impounding the item. The cell phone must be placed in a white, 9x12 envelope with an evidence label affixed to the outside, and the item must be kept in secure storage when not in use. Once the item is no longer needed, the item shall be booked into evidence for secure storage and/or proper disposition by a Property and Evidence Technician.

XII. VEHICLESA. Vehicles as Evidence

Vehicles as evidence shall be impounded when the evidence they carry cannot be recovered by an investigator or when the portion of the vehicle that carries the evidence cannot be easily recovered. A vehicle recovered from a highway for investigation of a hit-and-run accident shall be investigated consistent with Section 22655 V.C.

B. Vehicles – Other Requirements

When a vehicle is impounded as evidence, other requirements set forth in this manual pertaining to the handling of vehicles shall be complied with. Instructions will be given to the impounding garage as to the preservation of evidence as they pertain to the vehicle in question. Vehicles towed and retained as evidence shall be stored in approved inside storage facilities. When a vehicle is held for evidence or investigation, the impound form will be flagged by the impounding officer, indicating a special hold is on the vehicle. The sergeant of the investigative unit should be notified so they can ensure the vehicle is processed in a timely manner.

- C. Supervisor approval is required to have a towed vehicle delivered to the police station. The Property Unit supervisor should be contacted prior to transporting a vehicle to the police department for storage to ensure there is room in the designated area. Doors to the vehicle shall, unless compromising evidence or is otherwise impractical, be sealed with evidence tape.

XIII. CURRENCY

All currency coming into the possession of officers and employees of the EPD will be the subject of handling through standardized and uniform procedures.

A. Persons In Custody

Currency in the possession of a person in custody that has no value as evidence and is not subject to seizure will be handled in accordance with the following procedures.

1. The currency will be removed from the person as a part of the booking procedures.
2. The currency will be tallied and recorded on the booking intake/personal property inventory.
3. The currency will be stored independently of other items of personal property in a plastic property baggie and will be kept with the property bag.
4. In the event that an individual is booked into a detention facility, deposit the currency/coins into the cash machine outside of the jail intake and place the currency receipt into the property bag. The property bag shall then be turned over to the intake deputy.
5. In the event the individual is not booked into a detention facility, the property bag and currency baggie shall be returned to the person at the time of their release.

B. Impounding Currency as Evidence, Found Property, or Safe Keeping

All currency impounded as evidence, found property, or for safekeeping will be handled in accordance with the following procedures.

1. All impounded currency will be recorded and stored separate from other items of evidence and property using a currency envelope. A currency counter machine and coin counter are available in the impound room.
2. All envelopes will be identified with a unique QueTel generated barcode label indicating the contents of the envelope as currency. The QueTel generated currency report will be placed inside of the envelope with the currency.
3. Currency envelopes shall be signed by two officers, sealed and dropped into the property mailbox located inside the Property Room.

C. Handling of Currency by Property Personnel

Property and Evidence Technicians receiving currency into the Property Room will abide by the following procedures.

1. Sealed envelopes will be received into the Property Room by Property and Evidence Technicians only.
2. Sealed envelopes will be stored in the safe.
3. When the contents of the safe exceed \$5,000 of currency not germane to an investigation, the currency will be deposited into the appropriate City account.
4. Sealed envelopes shall not be unsealed until such time as the funds are deposited into the appropriate account or the currency is being released to its owner.
5. At the time currency envelopes are unsealed, two persons shall be present.
6. Minimally, a quarterly audit will be completed by the Property Unit Supervisor and forwarded to the Chief of Police via the Bureau Commander. An audit of the funds may be authorized at any time by the Chief of Police or the Bureau Commander.
7. A proper system of accounting, to include a record of all receipts, deposits, payments, and transactions of any kind will be maintained by Property Room personnel. Completed receipt books will be turned over to Finance.
8. Access to funds maintained in the Property Room will be strictly limited to employees assigned to the Property Room.
9. The safe requires two combinations to unlock. No single person will have both combinations. Each person assigned to the Property Unit will have only one of the combinations. Both combinations will be held in a sealed envelope in Police Administration in case of an emergency need to open the safe.

D. Returning Money to Claimants

Money will be returned to persons claiming funds in accordance with the following procedures.

1. The release of all funds will be approved through the Property Unit Supervisor.
2. Money seized as evidence will be released only upon presentation of a court order authorizing the release and naming the person to whom the money may be released.

3. Money seized as found property or safekeeping will be released only to persons who can establish proof of ownership. In the case of found money, if no owner comes forward to claim it within 90 days, the finder may collect the funds. (City of Escondido employees are excluded from this policy.)
4. Money seized as found property or safekeeping will be released in the following manner.
 - a. Money seized as found property or safekeeping which has not been deposited in the City account will be released as cash from the original currency envelope by a Property and Evidence Technician.
 - b. Money seized as found property or safekeeping, which has been deposited in the account, will be released in the form of a check drawn from the established account.

E. Currency Impounded as an Asset Seizure

The law allows for the seizure of currency suspected to be proceeds from narcotics trafficking. The seizure of such funds will adhere to the following procedures.

1. Currency that is to be seized as an asset will be counted at the time and place of discovery. The count will be conducted by the discovering official and witnessed by one additional officer or detective.
2. Seized currency shall be packaged in accordance with the procedures established within this Instruction and detailed in Section B: Impounding Currency as Evidence.
3. The person from whom the currency has been seized will be immediately served with a receipt of the exact amount of money seized and a notice of seizure. Such service and notification will be made by a narcotics detective or his/her designee.
4. The seized currency will be impounded into the Property Room in accordance with the procedures established within this Instruction and detailed in Section B: Impounding Currency as Evidence.
5. The seized currency will be removed from the Property Room by a narcotics detective and deposited into the District Attorney's asset seizure account on the first business day after the seizure or as soon as possible.
6. All inquiries with regard to seized currency will be directed to the supervisor of the Special Investigations Unit.

XIV. FIREARMS

The procedure for the preservation, transporting, and booking of firearms will be as follows:

- A. All firearms will be cleared and unloaded prior to booking as evidence. Careful documentation of the placement and location of ammunition must be made prior to the gun being unloaded. Any officer who is not familiar with a weapon and procedures for unloading it shall request the advice and assistance of trained personnel or a supervisor.
- B. All firearms will be secured with zip ties, which may be placed through the magazine well and ejection port of semi-automatic pistols and rifles and will be placed through the open cylinder area of revolvers. Under no circumstances will zip ties be placed down the barrel of any weapon.

Firearms must be impounded in Department provided gun boxes. The firearm box will be secured with evidence tape from end to end and signed where the tape meets the box with initials, ID#, and date.

Manufactured hard cases, soft cases and other carrying accessories must be impounded separately. The QueTel generated Firearms Report will be completed on every firearm impounded and the printed report will be submitted with the officer's paperwork to Records. The firearm will be placed in a property locker.

- C. Any firearm that needs to be fingerprinted will be unloaded by gloved personnel, taking care to handle the gun and any corresponding ammunition carefully to endeavor to preserve any potential fingerprints. The firearm will be packaged and sealed in an approved manner. The evidence follow-up lab request form will be filled out, documenting the required testing.
- D. All firearms will be identified with a complete description, including make, caliber, model, color, barrel length, type and serial number (include country of origin and importer if applicable).
- E. A firearm confiscation report #254 shall be provided to anyone relinquishing a firearm for WIC 5150, domestic violence, destruction, due to court order, or seized in a search warrant, pursuant to PC 33800.

XV. AUTOMATED FIREARM SYSTEM

- A. Uniform Officer's Responsibility - All officers taking possession of any firearm, for any reason, shall make an attempt to determine whether or not the firearm is stolen and/or to whom the firearm is registered. They shall then direct their course of investigation accordingly. The facts surrounding this attempt will be reduced to writing and will be reflected in the appropriate reports. Enter the registered owner's information into QueTel.

- B. Property Division Personnel - The Property Division shall be responsible for entering into the Automated Firearms System the data contained in the Teletype form.
- C. Property Gun Desk – The Property Gun Desk shall be responsible for submitting an eTrace of any firearm's origin through the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The investigating officer or detective will be advised if the gun and/or casing(s) is/are eligible for submission to the Integrated Ballistics Identification System testing unit at the San Diego Regional Crime Laboratory.
- D. Whenever any firearm is released from possession by the Property Division, the Property and Evidence Technician shall forward all firearms information to the Records Division for inclusion with the case file. Removal from AFS will be completed by the Property Division.
- E. All copies of Teletype transmissions shall be forwarded to the Investigations Division. Local registrations shall be filed in accordance with current policy.
- F. California Department of Justice (Cal DOJ) - It is now the responsibility of Cal DOJ to conduct an investigation that determines an individual's right to possess a firearm. Any person who wishes to take possession of a firearm that has been approved for release, must present an original letter from Cal DOJ authorizing that specific person to recover the firearm from the department. All dispositions and verifications, including entry, update, clearances, and cancellations of the Automated Firearm System shall be entered by the Property Division.

Prior to releasing a firearm, Property Division personnel will conduct an abbreviated records check in the name of the individual seeking its return: recent prohibitions in CARPOS, MHFPS, APPS and Criminal History, and confirm registration of the weapon(s) in AFS.

XVI. FOUND PROPERTY / SAFE KEEPING

When items are collected as found property or safe-keeping, they shall be impounded prior to the end of shift. If an officer is unable to package item(s) of found property or safe-keeping by the end of their shift, they may place the item(s) in a locker, secured with a note and follow-up email advising property of the circumstances and a date in which they will complete the impound. All found property/safe-keeping items shall be photographed prior to being impounded.

The officer is to provide the owner with a safekeeping receipt (EsPD #100), after obtaining the owner's signature on the form. In the event the court retains the evidence, a property transfer form is needed.

XVII. EVIDENCE REPORTING

When evidence is booked, it shall be the responsibility of the booking officer to complete the QueTel entries, print out forms, attach barcode labels and package and seal the evidence in the approved manner.

XVIII. NOTIFICATION TO FORENSIC SERVICES UNIT FOR FOLLOW-UP

When physical evidence which will require scientific examination or follow-up is booked as evidence, an EPD lab service request form is to be filled out by the officer.

XIX. PRESENTATION IN COURT

The officer who is to offer testimony in a case shall provide Property personnel 24-hour notice so items can be pulled and staged for collection. They will then transport and safeguard the concerned physical evidence from the time of its withdrawal from the Property Room until its presentation in court or return to the Property Room.

XX. INVESTIGATIONS DIVISION / PURGING OFFICER RESPONSIBILITY IN DISPOSING OF EVIDENCE

The Investigations Division or Property Unit Purging Officer will be responsible for the adjudication and disposition of all evidence involving criminal cases, with the exception of traffic-related evidence for which the Traffic Division will assume responsibility.

- A. The Property Division will be responsible for sending out the electronic disposition request forms directly from QueTel.
- B. Sergeants will be cc'd on all second requests, and on subsequent requests the Lieutenant will be notified.
- C. Below are the guidelines for disposition of impounded property/evidence.
 - 1. Review case to determine if the suspect has been arrested or charged, or to determine if there are multiple suspects in the case.
 - 2. Review the disposition sheet from court to see if the suspect(s) has been convicted and if the time during which an appeal can be filed has elapsed.
 - 3. If no disposition sheet is available, a check of the District Attorney's files shall be made to see if charges were filed against the suspect(s) and if a conviction has been entered.
 - 4. If the District Attorney's files show a filing, but no conviction, a check of the Sheriff's warrant files shall be made to determine if a warrant is in the system for the suspect(s).

5. Property or evidence that may fall subject to civil action under The Tort Claims Act or to an administrative investigation will be held by the Property Division until a release disposition is authorized by the City Attorney or supervisor of an administrative investigation. It shall be the responsibility of the claim or administrative investigator to notice Property Division personnel that a hold be placed on property relating to a claim, civil action, or administrative investigation. The Internal Affairs Unit will maintain responsibility for this procedure.
6. For property that can be released back to the owner/victim, the owner/victim information, including address, email and phone number, should be listed on the property disposition sheet by the officer authorizing the release of the property.
7. On property that cannot be released/disposed of/destroyed, the reason for the retention will be noted in the comment section of the QueTel dispo screen (e.g., homicide case, warrant in the system, not past statute of limitations, etc.) by the officer reviewing the property.

XXI. DISPOSITION PROCEDURE

The Property and Evidence Technician shall dispose of articles of evidence in one of the following manners:

- A. Released - Items other than guns, knives, contraband, or minute/microscopic samples of no monetary value, whose owner is known, and wishes to regain such items, may be released to the owner.
- B. Safekeeping - Items placed into Property other than guns, knives, contraband, or minute / microscopic samples of no monetary value, or whose owner is unknown or cannot be contacted or who does not wish to regain such items, shall be turned over to the Property and Evidence Technician for destruction. Refer to Section XXII.A. for the appropriate disposition of firearms.
- C. Destruction - Guns, knives, and contraband shall be turned over to the Property and Evidence Technician for subsequent destruction or notification to other agencies for such destruction.
- D. Minute Samples - Minute/microscopic samples of no monetary value shall be destroyed by a Property and Evidence Technician.

XXII. DISPOSITION BY PROPERTY TECHNICIAN – EVIDENCE AND FOUND PROPERTY

- A. Weapons

1. All weapons held by the Police Department as found property or for safekeeping will be held a minimum of three (3) days. Found and safekeeping weapons will be retained a maximum of six (6) months. At the end of this time period, the weapons will be placed with those weapons to be destroyed.
2. The Property Unit will maintain a list, with the assistance of the Crimes of Violence Unit, of any firearm that may be outstanding. When a weapon of that description comes into the possession of the Property Room, the Crimes of Violence supervisor will be notified and shall direct the Property Unit how to handle the firearm.
3. When a weapon is impounded for found property or safekeeping, the Property and Evidence Technician will send a letter to the owner, if known, of weapons advising them to pick up the property within 180 days or the item(s) will be disposed of as provided in Penal Code Section 33875. If, at the conclusion of six (6) months, the owner of a found or safekeeping weapon has not been identified and/or has failed to retrieve his/her property, the item will be destroyed.
4. The final disposition of any and all other weapons that are taken into custody by other investigation units, or weapons that fall into the investigative responsibilities of such units as Narcotics, Vice, Burglary, Juvenile, etc., shall be the responsibility of the assigned investigator to authorize the weapons' final disposition.
5. Firearms will be disposed of twice annually in accordance with Section 33875 of the California Penal Code or as needed to ensure adequate storage space for firearms.

B. Other Dangerous Weapons

Weapons listed in Penal Code Section 18010 will be disposed of between July 1 and July 10 of each year, or as needed, to ensure adequate storage space for the weapons.

C. Unclaimed Stolen or Embezzled Property

The Property and Evidence Technician shall dispose of stolen or embezzled property in the following manner, in accordance with Civil Code Section 2080:

1. The Property and Evidence Technician shall notify the owner by letter of the location of such property and hold the property for a minimum of three (3) months.
2. Where no notice can be given, the Property and Evidence Technician shall hold the property for a minimum of six (6) months.

3. If the stolen or embezzled property is not claimed, the Property and Evidence Technician may place it up for auction to the public, in accordance with Section 10-163 of the Escondido Municipal Code.

D. Lost and Unclaimed Personal Property

Any lost or unclaimed property other than weapons, alcoholic beverages, controlled substances, explosives, etc., will be held for 90 days, then placed up for auction, destroyed or held for City use in accordance with Section 10-163 of the Escondido Municipal Code.

E. Lost and Unclaimed Monies

Any lost or unclaimed monies may be returned to the finder, after compliance with Section 10-161 of the Escondido Municipal Code, by the Property and Evidence Technician.

F. Bicycles

Bicycles will be held for a minimum of ninety (90) days. If not claimed, bicycles will be placed up for auction to the public, in accordance with Section 10-160 of the Escondido Municipal Code, or donated to charity.

G. Property Without Value

Property without any value that can be disposed of may be destroyed by the Property and Evidence Technician.

H. Alcoholic Beverages

Alcoholic beverages, when no longer needed as evidence, shall assume the character of found property or property without value and will be disposed of.

I. Pornography

Pornographic material may be destroyed upon order of the court and in accordance with Section 312 of the Penal Code.

J. Gambling Devices

Gambling devices will be disposed of thirty (30) days after proper notice of intention to destroy has been provided and in accordance with Section 335a of the Penal Code.

K. Counterfeiting Equipment

Counterfeiting equipment, when no longer needed as evidence, must be destroyed as stated in Sections 480 and 502.11 of the Penal Code.

XXIII. NARCOTIC FOUND PROPERTY PROCEDURE

- A. All controlled substances found by an individual officer or a citizen and impounded at the Escondido Police Department will be given an Escondido Police Department general case number.

QUANTITY HAS NO EFFECT ON THIS POLICY.

- B. Officers will not, under any circumstances, destroy, or permit to be destroyed, any controlled substances or fail to initiate a General Case number on evidence, found property, or property submitted to them by a citizen as found property.
- C. At no time will any officer retain possession of any controlled substance, either on his/her person, in his/her locker, his/her office, or any other location, other than the Narcotics evidence locker. The only exception is narcotics that are checked out to the K-9 Unit for utilization in the training of police dogs in narcotics detection.
- D. Any controlled substance evidence or found property, without exception, must be weighed, packaged, entered into the QueTel system and placed in the narcotics evidence locker prior to the termination of the officer's regularly assigned shift.
- E. Controlled substances impounded as found property are NOT to be tested prior to being packaged. If the substance is suspected of containing fentanyl or similar drug, indicate on the outside of the packaging.

XXIV. NARCOTIC EVIDENCE IMPOUNDING PROCEDURE

Drugs – This includes all illegal/legal controlled substances such as narcotics, prescribed medications and over the counter medications, including aspirin products, vitamins, diet aids, etc. Kit-type items include pipes, baggies, bongs, scales, razor blades, and other paraphernalia, with or without residue.

Narcotics or suspected narcotics shall only be transported directly from a police vehicle to the evidence handling room for processing and packaging. Narcotics shall not be taken to other parts of the police building for any reason.

- A. Items of the same category and located at the same location may be packaged together after proper documentation in a K-PAK with a single heat seal across the top. Do not section the bag.
- B. The original packaging and paraphernalia should be impounded in a separate bag. Sharps and glass bulbs shall be packaged in a sharps tube prior to packaging.

- C. Any packaging that accompanies the narcotics requiring prints should be impounded in a 9x12 envelope marked HOLD FOR PRINTS.
- D. Large volumes of liquid-type drugs will not be accepted into evidence. See Hazardous Materials and Chemicals section. Contact HAZMAT for destruction. Sample vials available in the drug impound area will be used for lab analysis.
- E. Separate packages shall be made of different kinds of narcotics. Additionally, all controlled substances must be packaged separately from items requiring further processing by the Escondido Police Department Forensic Services Unit or the San Diego Sheriff's Department Crime Lab. If evidence that requires processing is packaged with a controlled substance or currency, the following procedures must be followed:
 - 1. Two persons must be present at the time that the sealed evidence package is opened.
 - 2. An inventory of the contents in the package must be made, witnessed and noted on the barcode record in QueTel (i.e., contents complete; contents incomplete; and witnessed by . . .).
 - 3. If the contents are complete and no discrepancy is noted, the item in the evidence bag shall be processed immediately and then resealed in the original evidence bag.
 - 4. In the event that the contents of the sealed evidence bag are incomplete, the person who has broken the evidence seal shall immediately notify his/her immediate supervisor, who will conduct an investigation.
- F. Identification and Preservation – Each piece of drug evidence must be documented from the time it is acquired until it is disposed of. Each narcotic item will be weighed for gross weight, sealed into an appropriate bag, and then properly marked in accordance with the correct information required on the outside of the sealed plastic bag.
- G. The QueTel barcode record will be completed. Give a full description of the evidence, including weight and accurate count. Attached to the outside of the sealed narcotic bag will be a completed San Diego Sheriff's Department Property/Evidence form for all narcotics that need to be sent for analysis.
- H. Fresh vegetation, such as marijuana, must not be placed in plastic bags. The officer will impound the fresh vegetation in a paper bag. Once the item is completely dried, a Property and Evidence Technician will contact the officer for re-packaging into a K-PAK bag.
 - 1. Bundles/bricks of marijuana should be individually marked and barcoded.

2. For large quantities and/or cultivation, contact FSU for assistance and collection.
- I. Storage Procedure - Drug evidence shall be stored separately from other types of physical evidence.
- J. Storage Facilities - Drug evidence shall be stored with maximum security.
- K. Access to the Narcotics Evidence Room - Access to the Narcotics Evidence Room shall be limited to authorized personnel only, which includes the Property and Evidence Technicians and the supervisor in charge of property and evidence.
- L. The purging of drug evidence will be done on an ongoing basis. The Bureau Commander shall require a quarterly audit of all narcotic evidence, documenting the location and condition of all impounded narcotics.
- M. Removal from Storage - Whenever drug evidence is removed from storage, whether it be for analysis, court testimony or other official business, the reason for removal shall be documented and tracked in the QueTel computer tracking system.
- N. Weighing - Weights of drugs shall be obtained on as accurate a balance as possible. Gross weight, and whether it is a usable amount, is required by the District Attorney's Office.
- O. Testing - Uniformed personnel will not field test narcotics for any reason. In rare circumstances where field tests are needed, Gang Narcotics Unit (GNU) detectives will respond and conduct the testing. Once at the station, all weighing and testing shall be conducted using the fume hood in the drug/narcotic impound room. Officers are to obtain a gross weight and use the TacticID presumptive testing device for analysis with the packaging closed.

If the TacticID testing method proves insufficient, a further analysis may be warranted. GNU detectives should be consulted on how to conduct more extensive testing. A second officer or supervisor shall be present to assist with the opening of packaging and any further testing, such as using a NIK kit, Narkit Jr., or Rapid Response brand test strips.

If an officer believes he or she is handling fentanyl and he or she needs to obtain a sample for the Rapid Response style test, the officer should swipe along the top crease or mouth of the packaging without opening it. The Rapid Response test is sensitive enough that this method should provide a sufficient sample. All manipulation of suspected narcotics items and packaging shall occur under the fume hood. Upon completion of testing and packaging of evidence, officers shall clean the area completely, including fume hood, countertops, scale, and any other equipment used during the testing process. The paper base layer shall be discarded and replaced with new paper.

In most instances, a gross weight is sufficient for prosecution when adequate photos are taken to show the material inside. There are times when it is important to obtain a net weight of the narcotics, for instance, due to heavy packaging. Under the guidance of GNU detectives, officers may obtain a net weight when necessary.

XXV. EVIDENCE REQUESTS FOR COURT

- A. Notify the Property and Evidence Technicians when the evidence will be needed for court. This is accomplished by giving the Property and Evidence Technicians a copy of the subpoena as soon as it is received to assure ample time for processing the evidence requested.
- B. Officers should write the barcode number on the subpoena prior to submission. If there are special requests or if all property on the tag is not needed, it should be clearly indicated on the subpoena.
- C. Advise the Property and Evidence Technicians of any change of pleas and/or continuances.
- D. Pick up the evidence from the Property and Evidence Technicians before going to court. A Property Transfer form shall be completed for items to be retained by the court.
- E. If the case is continued or disposed of, the arresting officer will return the evidence to the Property Unit via one of the various property drop locations.

XXVI. RE-ENTRY TO STORAGE

Anytime drug evidence leaves the storage facility and is later returned, the condition of the seals shall be checked by a Property and Evidence Technician before placing the evidence back into storage. If the seals have been disturbed, a determination shall be made as to whether or not any changes in amount and/or composition have occurred. The extent of this examination shall be determined by the existing circumstances.

XXVII. DISPOSITION OF CONTROLLED SUBSTANCES

- A. Section 11474 of the Health & Safety Code, effective January 1, 1981, specified controlled substances, instruments, or paraphernalia, pursuant to the provisions of Section 11473 or 11473.5, may be destroyed by a police officer or the Sheriff's Department by obtaining a court order.
- B. The procedure for destruction of controlled substances, after the court order is obtained, is handled by the Property Unit supervisor and destroyed by a vendor approved by the State of California.

XXVIII. LOCATOR FILE

The QueTel computer tracking system will be used to maintain chain of custody records and all information related to a given item of property or evidence from the time it enters custody of the Escondido Police Department until it reaches its final disposition.

XXIX. EVIDENCE TRANSPORT TO AND FROM SDSD CRIME LAB

The SDSD Crime Lab personnel will no longer transport evidence to and from the lab. When an item of evidence is required for court, officers will adhere to the following procedure.

- A. A copy of the subpoena requiring evidence shall be made as soon as it is received and placed in one of the property mailboxes.
- B. The Property and Evidence Technician or his/her designee will pick up evidence from the SDSD Lab and check it in with the Property Unit. Officers needing evidence for court will be responsible for checking it out from the Property Room. If the court does not keep the evidence for the case, the officer will return the items to the Property and Evidence Technician. Blood and urine samples will be returned to the San Diego Sheriff's Department Crime Lab by the Property and Evidence Technician or their designee.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 09-05-24	NO: 3.2 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: AUTO THEFT PROCEDURES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 3.2 Investigations, dated September 15, 2020.

I. PURPOSE

The purpose of this Instruction is to establish procedures for taking auto theft reports and for recovering stolen vehicles.

II. AUTO THEFT DEFINED

Any person who drives or takes a vehicle not his own without the consent of the owner thereof and with intent either to permanently or temporarily deprive the owner thereof of his or her title to or possession of the vehicle, whether with or without intent to steal the vehicle, or any person who is a party or an accessory to or an accomplice in the driving or unauthorized taking or stealing.

III. AUTO THEFT PROCEDURES

- A. The dispatcher will ordinarily receive the first word on a possible stolen vehicle, but in any case, dispatchers will have to make certain that a number of items have been checked before dispatching a unit to take a report.
 1. The person making the report must be the registered owner or his agent and must have had legal possession of the vehicle immediately prior to the theft.
 2. The vehicle must have been stolen from within the city limits of Escondido. Note: Courtesy reports may be taken with a supervisor's approval.
 3. The records must be searched to ascertain if the vehicle has been impounded or repossessed.
 4. The reporting party should be questioned as to the possibility of the vehicle being used by a friend or a relative without the knowledge of the owner.
 5. Also, the owner must be questioned as to whether he has loaned, leased or rented the vehicle and this person has not brought it back at the agreed time.

- a. If the reporting party loaned the vehicle to another person, he or she must wait a reasonable time before filing a case report. The act of loaning a vehicle or entrusting it involves the giving of a limited consent to another to possess and/or use the vehicle.
 - b. If that party fails to return the vehicle to the owner within a reasonable time, they have exceeded the scope of limited consent and are in possession of the vehicle without consent, in violation of section 10851 CVC. Five days would appear to be a reasonable time.
 - c. The specific intent to deprive the owner of possession, required by section 10851 CVC may be inferred from all the facts and circumstances of the case.
6. A vehicle will be presumed stolen if it is eight hours overdue on a test drive on a vehicle for sale.
- a. In a test drive-off situation, the reporting party may be able to make an immediate stolen vehicle report if, based upon the situation, it is clear that the suspect clearly intended to deprive the owner of the vehicle. In other situations, based upon the individual circumstances, to include conversations and agreements made, the reporting party may have to wait for a reasonable period of time.
7. Officers will not use their CAD to assign their own case number.
8. If there are unique circumstances on a particular case, an officer may use discretion in having a case reviewed by auto theft investigators prior to having it entered into S.V.S. When these situations occur, the officer should confer with supervision. If the vehicle is not entered immediately into S.V.S., this must be clearly noted in the narrative of the report.
- B. If the guidelines above have been followed and it appears that the vehicle has been stolen, an officer will be sent to take a report. When warranted, Communications will broadcast a full description of the vehicle to Patrol units.
- C. The officer taking the report will obtain as much information as possible about the vehicle including, but not limited to, year, model, color, license plate number, VIN and all possible ownership information. This information will be relayed to Communications and the records will again be checked prior to entry into the system. Communications will then enter the information into the system and send out a teletype.
- D. Boats
1. All reported thefts of any type of boat will be reported on an auto theft report.

- a. Boat trailers will be on a separate auto theft report.
 - b. All other auto theft procedures will be followed.
 2. The C.F. number on a boat is its DMV license plate. The hull identification number (HIN) is the same as a VIN on a motor vehicle.
 - a. Officers are to place these numbers in the appropriate boxes on the auto theft report.
 - b. If there are no identification numbers on a boat, officers are still to take the report on an auto theft case form and handle as a "Hold Pending."
 3. As available, full identification (including serial numbers) of outboard motors, electronics, and other removable items will be listed on the report.
- E. The CLETS teletype system report will be submitted to the Records Division for processing with the report.
- F. When a stolen vehicle report is discovered to be unfounded after a report has been taken and the information transmitted to Communications, the officer will note on the face of the report that it was unfounded. If a teletype has been sent and later the report is discovered to be unfounded, a cancellation teletype will be sent by Communications. The original reports will be forwarded to Records for processing.
- G. If the report is determined to be unfounded prior to transmitting the information to Communications, it is not necessary to complete the report.

IV. RECOVERIES

- A. An officer recovering a stolen vehicle will confirm the identification of the vehicle and its status through Communications. Communications will send a "locate" through SVS. The officer taking the recovery report will be responsible for gathering evidence at the scene. Officers will attempt to determine ownership of any property found in the vehicle and property not belonging to the victim should be listed on the report and impounded at Escondido Police Department.

If there is no reason to hold the vehicle for investigation, the officer will release the vehicle to the owner/agent. Communications will attempt to contact the victim and, when possible, the officer will release the vehicle at the scene. If the victim is not available, the vehicle will be impounded and stored at a local towing yard. No vehicle will be towed to the station without the Watch Commander's approval. Towed vehicles will be released to the owner/agent from the storage yard.

- B. If an agency hold has been placed on a vehicle in storage, the owner must obtain a written release from an auto theft investigator or from front desk personnel with approval from auto theft.

- C. When a victim recovers his/her own vehicle, an officer will be dispatched to complete a recovery report. Evidence will be collected and documented in the recovery report. The vehicle will then be released to the victim.

V. ARRESTS

- A. When a vehicle is recovered and suspects are arrested, the report will be completed in RMS.
- B. Photographs shall be taken of the stolen vehicle showing any damage to the VIN, ignition housing, door locks, windows, etc., and any theft tools. Evidence will normally be collected at the scene.
- C. The arresting officer will make every attempt to contact the victim of the theft to confirm that prosecution is desired and to see if the suspect is known. If contact is not made with the victim, the reasons why shall be noted in the report.

If the stolen vehicle recovered is from an outside agency and the victim cannot be contacted, the arresting officer should contact the reporting agency to obtain additional information that might assist with the case.

VI. LEASED OR RENTED VEHICLES

- A. Whenever any person who has leased or rented a vehicle willfully and intentionally fails to return the vehicle to its owner within five days after the lease or rental agreement has expired, the person shall be presumed to have embezzled the vehicle. (CVC 10855)
- B. This five day waiting period shall also be applied to matters concerning the loaning or borrowing of vehicles between citizens.
- C. Prior to an auto theft report being taken:
 - 1. The field unit must obtain a copy of the rental agreement to attach to the report.
 - 2. Obtain a copy of the letter mailed to the suspect, demanding the vehicle be returned. This letter must be sent by certified or registered mail. (CVC 10500) Also, obtain the post office receipt showing the letter was delivered or returned as undeliverable.

VII. VIN VERIFICATION

As a general policy, Escondido Police Department does not do VIN verifications for the public. Auto theft investigators will inspect and verify VIN on vehicles impounded by law enforcement. Information on where the public can obtain VIN verification will be distributed from the front counter on a flyer, which will be updated as needed.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 06-12-23	NO: 3.3 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: MISSING PERSONS, JUVENILE RUNAWAYS, LOST OR MISSING CHILDREN & WALKAWAYS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 3.3 Investigations, dated October 1, 2020.

I. PURPOSE

To establish policies regarding the reporting procedures for missing adults, runaway juveniles, lost or missing children, and children who are victims of parental abduction.

II. GENERAL INFORMATION

It is not a criminal violation for an adult to be missing, but circumstances may warrant the immediate attention of law enforcement. The same attention is needed for runaways and missing children.

III. POLICY

- A. Missing person reports will be accepted without delay. Handling of missing person reports shall be given priority over handling of property crimes (P.C. 14211).
- B. Law enforcement officers must take ALL missing person reports, both juveniles and adults and all child abductions (child stealing), regardless of the jurisdiction of residence of the missing person, where the person was last seen, or the residence of the person making the report (P.C. 14211). Missing person reports can be made in person or by telephone.
- C. All missing person reports must be entered into MUPS/NCIC as soon as possible. Once the responding officer determines that a call for service meets the definition of a missing person, as defined in section IV, sub-section B or C, the officer will obtain a case number from Dispatch and request the person be entered into MUPS/NCIC, prior to continuing their investigation. All completed reports must be approved by a supervisor and taken to Dispatch for final MUPS/NCIC processing. Even if the missing person is located or returns prior to the call being dispatched, or prior to the officer completing the call, a missing person report is still required. Dispatch will then input the person into MUPS/NCIC and immediately remove them (referred to as an in-and-out report).

- D. All missing person reports shall be completed within two hours of police notification. Supervisors may authorize a delay in report completion based on special circumstances, as long as the missing person has been entered into MUPS/NCIC within the two-hour requirement. Any delayed report completion shall be finalized by the end of shift.
- E. If a missing person is under 21 or determined to be “at risk,” the Department shall broadcast a “Be On the Lookout” bulletin, without delay, within its jurisdiction. (P.C. 14211)
- F. If an officer locates a missing person in the field, the officer shall document the locate in an RMS case report.
 - 1. Located runaways require a case report for W&I 601.
 - 2. If the person was reported missing in another jurisdiction, the officer will obtain an EPD case number for the case report.

IV. DEFINITIONS

- A. The following are not considered missing persons:
 - 1. Deserting husband or wife, if outright desertion is obvious; they have committed no crime and are free to come and go as they please.
 - 2. Fugitives from justice, including A.W.O.L. military members.
 - 3. Persons who have left a note and/or told someone they are leaving, unless there are extenuating circumstances (e.g., threats of suicide, etc.).
- B. Missing person is defined in Section P.C. 14215.
- C. “At Risk” includes, but is not limited to, evidence or indications of any of the following (P.C. 14215):
 - 1. The person missing is the victim of a crime of foul play.
 - 2. The person missing is in need of medical attention.
 - 3. The person missing has no pattern of running away or disappearing.
 - 4. The person missing may be the victim of parental abduction.
 - 5. The person missing is mentally impaired, including cognitively impaired or developmentally disabled.

V. REPORTING PARTIES

The reporting party should be a close relative, if possible.

Explain to the reporting party:

- A. It is not against the law to be a missing adult, and the whereabouts of the adult will be revealed only if he or she so desires. The Escondido Police Department cannot force the return of an adult missing person.
- B. The burden of checking jails, hospitals, friends, bank accounts, etc., is the responsibility of the reporting party.
- C. The reporting party is to notify this Department when the missing person is heard from or found, and we will do the same for them.
- D. Do not promise or give the impression to the reporting party that we will immediately initiate an all-out search.
- E. Advise the reporting party that dental/medical records form (BCIA 4048) will be mailed to the reporting party by Investigations. The reporting party will take the forms to the missing person's dentist, physician and surgeon, or medical facility, if the missing person is not found within 30 days. The reporting party must return the form, along with any dental X-rays, skeletal X-rays, and treatment notes, within 10 days. Investigations will send the forms and records to the Attorney General's Office.

After a report has been made of a person missing under "high-risk" circumstances, Investigations shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available. The Escondido Police Department shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample (P.C. 14250(c)(2)). A "high-risk" missing person is one who is missing as a result of a stranger abduction, suspicious circumstances, unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency. (P.C. 14250(a)(4)).

VI. NOTIFICATIONS

- A. Missing persons require notification within two hours to the Department of Justice. This occurs through CLETS entry into the MUPS database.
- B. A found or "located" missing person requires immediate notification to: (1) Department of Justice, and (2) the agency that took the original report. This may be completed via CLETS teletype notification.

- C. Ed. Code, § 49068.6: Missing Children and Schools: Requires any law enforcement agency responsible for the investigation of missing children to inform a child's school district or private school that the child is missing. The notice must be in writing, with a photograph if available, and must be given within 10 days of child's disappearance. The school must then place a notice of the child's school records and notify law enforcement immediately if an inquiry or request for the child's records is made.

VII. REPORTS

Missing person reports shall be completed using the following RMS Missing Person reports: 911000-ZZ Juvenile; 910000-ZZ Adult. It is required that a current photo of the missing person be obtained from the reporting party, and be attached to the report in RMS. If no photo is available, it shall be noted in the report.

The report shall include all required information as detailed in Addendum A (State of California CJIS Form 8568), and any additional pertinent information on the missing person, such as social media account names, etc.

Reports of missing persons outside of our jurisdiction must be forwarded without delay (next business day) to: (1) the agency with jurisdiction over the missing person's residence; and (2) the agency with jurisdiction over the place where the person was last seen.

VIII. LOST OR MISSING CHILDREN

As the length of time increases or the severity of the circumstances warrant, the search procedures will be escalated by supervision and/or Investigations personnel.

IX. "WALK-AWAYS"

With the growth of Escondido and its immediate area, there has been an increase in facilities that assist citizens who are not capable of providing care to their individual needs. In addition, families may provide care in their homes to elderly or disabled relatives. More frequently, citizens "walk away" from these facilities or their homes. Either the facility or family contacts our Department for assistance in locating the "walk-away"; the person is brought to the Department's attention by a citizen's call; or our Department personnel observe the person and recognize an obvious need for police assistance. It is vital that these people be easily and quickly identified and reunited with their caregivers.

- A. Police refer to these persons as "walk-aways." They include persons from:

1. Hospitals
2. Convalescent facilities
3. Board and care homes

4. Private family residences
 5. Private and public schools that provide special care and instruction to adults and minors.
- B. The citizens may be:
1. Of any age
 2. Mentally ill, confused, or handicapped
 3. Physically handicapped
 4. Young children who develop a profile of a potential “walk-away”
- C. EPD pamphlet “Alzheimer’s Disease, Dementia and Wandering” (EsPD Form #293) may be given to family members or caregivers to provide resource information.
- D. The policy of the Department will be to take a report on and photograph of “walk-aways.” The photographs will be scanned in as an attachment to the case report.
- E. “Walk-aways” who have autism, Down syndrome, cognitive disabilities, dementia, or other eligible medical conditions may be enrolled in the “Take Me Home” program. This program allows potential “walk-aways” to be registered with their identification, photos, and caregiver contact information in a database accessible by law enforcement agencies throughout the County. Investigating Officers should check the database in an attempt to tailor law enforcement’s search and rescue response to best serve the “walk-away”.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-18-19	NO: 3.4 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: DEATH REPORT-WRITING PROCEDURES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 3.4 Investigations, dated July 21, 2016.

I. PURPOSE

The purpose of this Instruction is to establish the procedure for completing death reports.

Per Government Code Section 27491 - It shall be the duty of the Coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden, or unusual deaths; unattended deaths, known or suspected homicides, accidents, drownings, fires, exposures, starvations, drug addictions, sudden infant deaths, in-custody deaths, deaths wherein the deceased has not been attended by a physician in the 20 days before death, or deaths known or suspected as due to contagious disease and constituting a public hazard.

A person who has died from any of the causes or under any circumstances described in Section 27491 of the Government Code shall not be disturbed or removed without prior permission of the Medical Examiner or his/her appointed deputy.

II. DEFINITIONS

- A. Manner of Death - The legal classification of death, whether it be natural, suicide, homicide, accidental, or undetermined. (Spitz, 2005)
- B. Cause of Death - The medical finding or findings responsible for the death. (Spitz, 2005)
- C. Rigor Mortis (Post Mortem Rigidity) - A physiochemical process that occurs after death which causes the muscles of the body to become stiff and then relax. Rigor Mortis begins shortly after death and continues for approximately 12 hours until all of the muscles are set. It will remain for approximately 12 hours and then gradually break over 12 hours. After 36 hours, the muscles are again flaccid. (Spitz, 2005)
- D. Livor Mortis (Post Mortem Lividity) - Purplish-blue discoloration due to the settling of blood by gravitational forces within dilated, toneless capillaries and the deceased skin. Lividity may begin to appear within 20 minutes of death and becomes more pronounced over time. Lividity will typically be present in dependent areas and will not change after the body is moved. (Spitz, 2005)

III. POLICY

- A. All deaths occurring outside of a supervised medical facility will require a patrol response to verify there are no suspicious circumstances present. If the Medical Examiner waives and provides a waiver number, a case will not be generated. If the conditions warrant further investigation, a death report will be taken.
- B. Law enforcement evaluation is required when a terminally ill patient dies while in a managed care facility, hospice program, or following the ingestion of the an aid-in-dying drug (H&S 443) to ascertain that no unusual circumstances exist. (Refer to H&S 443 for the End of Life Act legal requirements.)
- C. A supervisor will respond to all death scenes to evaluate the scene and the circumstances surrounding the death.
- D. The policy of this Department for writing death reports will be:
 - 1. The death report will be completed in the RMS narrative format and will be filled out on all natural, accidental, suicidal, and undetermined deaths in accordance with the instructions set forth below in the "Instructions" section of this policy.
 - 2. The Crimes of Violence Sergeant, or when the COV Sergeant is not available, an Investigations supervisor will be apprised of all deaths involving individuals under the age of 50, without medical cause or obvious indications of suicide, and in all accidental narcotic overdoses.
 - 3. The report shall be written in a narrative format and shall include the listed points on the reverse side of the death report face sheet in accordance with the guidelines set forth below.
 - 4. In the event that a death report is taken, a supervisor shall respond to evaluate the scene and the circumstances surrounding the death. Their name shall be included in the report narrative.
 - 5. When the circumstances of the death require no death report, officers shall make a CAD entry documenting that no unusual circumstances were found, Medical Examiner notification to include employee identification and waiver number, a supervisor notification and response to the scene verifying a natural death, and confirmation that the patient was not a crime victim who may have succumbed to injuries sustained via a criminal act within the past three years.

6. When the circumstances of the death are as a result of the End of Life Act (H&S 443); officers shall make a CAD entry documenting that no unusual circumstances were found, the Medical Examiner's Office was notified, the decedent was prescribed the aid-in-dying drug by the attending physician, and the name of attending physician that was willing to sign the death certificate, and, if applicable, the waiver number.

IV. INSTRUCTIONS

A. Death Report RMS Format

1. The decedent's information shall be listed in the VICTIM tab of the RMS document.
2. List names and all identifying information, including addresses, of all persons interviewed with specific knowledge relevant to the death investigation in the appropriate WITNESS or OTHERS tabs in RMS.

V. DEATH INVESTIGATION NARRATIVE

- ##### A. The following questions must be answered in a narrative format in the body of the report.

1. Origin of call.

Specify date and time and from whom call was received — Dispatch, field unit, etc.

2. Date and time arrived at scene.

Self-explanatory.

3. Names of emergency rescue personnel at scene.

List names of all paramedics, other Fire Department personnel, and all ambulance attendants.

Include observations and obtain a statement from them indicating in the narrative what, if anything, these individuals did at the scene, with special emphasis on those touching or moving the body or disturbing any potential evidence.

Indicate the time death was pronounced and by whom.

4. List names of all other police personnel at the scene.

Include observations and obtain a statement from them indicating in the narrative what, if anything, these individuals did at the scene, with special emphasis on those touching or moving the body or disturbing any potential evidence. Attach any supplemental officer's report.

5. List names of reporting party and witnesses

List names and all identifying information, including addresses, of all persons in addition to all paramedics, Fire Department personnel, ambulance attendants and other police officers present at the scene.

Include in the narrative what, if anything, these individuals did at the scene, with special emphasis on those touching or moving the body or disturbing any potential evidence.

6. Conduct interviews of individuals with specific knowledge relevant to the death investigation.

Include observations and actions and obtain statements from all reporting parties and witnesses. Conduct thorough interviews of family members or any other individuals with specific knowledge concerning the decedent's mental and physical condition and circumstances surrounding death.

7. When was the deceased last seen alive and by whom?

Attempt to determine date, time, and location where victim was last seen alive. List names, addresses and phone numbers of anyone furnishing such information.

8. Describe decedent's mental, physical, and medical condition prior to death, include medical history.

This can usually be determined from relatives, neighbors, friends or personal physician, if known. State who provided the information. The presence of suicide notes and/or other papers found at the scene can be of value in making these determinations.

9. List name, address, and phone number of doctor last treating victim and date of last visit.

This can usually be determined from relatives, neighbors, friends, papers and/or drug prescriptions found at the scene. If possible, contact physician and obtain statement concerning decedent's medical or psychiatric history.

10. Detail any previous suicide attempts.

If unable to determine at the scene, an ARJIS check will suffice.

11. List drugs (including alcohol), narcotics and/or other medication used by the deceased. Document location found (i.e., kitchen, nightstand, bathroom, etc.), type, date last prescribed, prescribing doctor and recommended dosage.

Determine, if possible, whether the recommended dosage coincides with date of prescription, probable usage and quantity found at the scene.

Officers will impound medications not taken by the Medical Examiner, if requested to do so by the Medical Examiner's Office.

In death cases that are handled via CAD entry, any medication will be referred for proper disposal at a facility with an appropriate medicine drop box, such as EPD.

12. Describe in detail the scene where death occurred.

Indicate which room in the house, what portion of the yard, front or back seat of auto, or other area where death occurred. Include the physical condition of the area; i.e., overturned furniture, open or closed windows, locked or unlocked doors, position of bed covers, heating or air conditioner thermostat reading, etc. Include a diagram and take photographs if it will assist in describing the scene where the death occurred.

Deaths that occur outdoors require documentation concerning weather conditions, climate, and temperature over the believed time period death occurred.

13. Describe in detail the position of body upon arrival.

The position of the body can furnish the investigator with valuable information as to what happened and what the likely cause of death is. It is therefore extremely important to accurately describe the position of the body and, if necessary, its relationship to other items. A diagram may be required.

14. Describe in detail stages of rigor and/or lividity.

Specify: none, beginning, advanced or post rigor mortis. Describe lividity to those areas visible without moving the body or clothing. If this cannot be accomplished without moving the body or clothing, await the arrival of the Medical Examiner investigator and then examine.

Bear in mind while examining the body for post mortem lividity the position of the victim. Do the livid areas coincide with the position of the body?

15. Describe in detail all scars, marks, tattoos, injuries, or any unknown or unexplained wound or marking, include any insect or animal activity.

List the nature of any injuries; i.e., lacerations to both wrists with extensive bleeding, gunshot wound behind left ear, large abrasion on left side of forehead, two-inch circular scar on right side at waist, etc.

16. Describe clothing and condition of the clothing worn by deceased.

Include the type of garment(s) worn by the deceased and their condition; i.e., clean, dirty, neat, wrinkled, bloodstained (note location of stains). Document absence of clothing.

Determine if clothing worn by the deceased is consistent with conditions at the scene.

17. List all possessions, either carried or worn by deceased.

Describe all jewelry worn by victim. Also, note the obvious absence of jewelry known or suspected to be ordinarily worn by the victim.

Unless absolutely necessary, never remove wallets or other items from the clothing worn by the deceased until after the arrival of the Medical Examiner. Allow the Medical Examiner to inventory the possessions of the victim. You may then list any cash, absence of cash, papers, or absence of papers in your report.

18. Describe any weapons or other objects used to inflict death.

Handle all weapons per current evidence handling procedures.

List name of firearm manufacturer, caliber of weapon, type (pistol, rifle, shotgun, revolver), serial number, barrel length and cylinder or magazine capacity, if known. Determine owner of weapon if possible.

Describe length, width, and thickness of knives or other sharp instruments suspected of inflicting injury or death. Note whether instrument is sharp on one edge or both. Prior to impounding evidence, photocopy and attach to death report.

If death occurred by a suspected overdose of drugs or narcotics, describe the suspected drug or narcotics fully and the means by which it was most likely administered.

In cases of suspected asphyxiation, describe any devices used or suspected as contributing to the asphyxiation.

19. List and describe any evidence seized.

List any evidence seized and indicate what examination should be conducted on any piece of evidence and why.

The Medical Examiner will take possession of all suicide notes where there is a clear indication that the death is a suicide. Instances where the validity of a suicide is in question, the officer shall take possession of any suicide note or any other paperwork deemed valuable in ascertaining the cause of death. The evidence shall be impounded and a copy of the evidence shall be attached to the death report. The note(s) shall be evaluated to determine their evidentiary value and whether or not a lab request should be submitted for fingerprints. In the event an item is to be held for prints, then obtain elimination prints from any individual handling said item(s).

State the disposition of any drugs seized; e.g., impounded at EPD or retained by Medical Examiner. Officers will impound all prescription medications, belonging to the victim, that are not retained by the Medical Examiner. The medication does not need to be individually counted.

20. Identify by name and relationship any person retaining personal possessions taken from the deceased.

21. Identify personnel taking photographs and document those photographs taken and what they depict.

Photograph the entire death scene and surroundings.

22. Manner, cause or probable cause of death.

If a representative from the Medical Examiner's Office responds, obtain his/her statement as to cause or probable cause of death.

Should the Medical Examiner waive, your conclusions must be based on all the evidence found and observations made at the scene during the investigation. Do not attempt to determine medical causes that cannot be proven by your investigation. For example, it is not possible for a police officer to determine that a person died of a heart attack. It is possible to state that the person appeared to have died from natural causes because witnesses state the deceased complained of chest pain, clutched his chest, and then collapsed.

23. Police Supervisor at the scene.

Name and ID # of the Supervisor at the scene.

24. Disposition of deceased.

Specify whether deceased was removed by Medical Examiner's personnel or list which mortuary took charge of the body (obtain names).

25. Name and ID # of the Deputy Medical Examiner at the scene.

Self-explanatory.

References

Spitz, W. U. (2005). *Medicolegal investigation of death: guidelines for the application of pathology to crime investigation* (4th ed.). Springfield: Charles C. Thomas.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-23-20	NO: 3.5 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: ARSON INVESTIGATIONS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 3.5 Investigations, dated May 25, 2016.

I. PURPOSE

The purpose of this Instruction is to establish the procedures for the investigation of reported incidents of arson or suspected arson.

II. POLICY

- A. Escondido Municipal Code 11-72 requires the Fire Chief to inquire into the cause of every fire occurring within the corporate limits of the city and to keep a record thereof. In accordance with this, the Fire Department will conduct the preliminary investigation of all fires to determine the cause.
- B. The Police Department will have primary responsibility for completing the investigation when the fire falls under one of the following criteria:
 1. Any fire for which the cause has been determined to be a criminal act.
 2. Any fire for which the cause is suspicious or undetermined and involves:
 - a. Loss of human life.
 - b. Serious injury.
 - c. Substantial damage to property.
- C. Recognizing that Fire Department investigators have training and expertise in the investigation of all fires, the Police Department supervisor responsible for the investigation shall ensure that Fire Department personnel are an integral part of the case and work closely with police investigators.
- D. If it is later determined that the cause of the fire was a non-criminal event, the responsibility for completing the investigation will be transferred back to the Fire Department.
- E. The police will also respond to assist whenever requested to do so by the Fire Department Incident Commander or a fire investigator.

III. REPORTING REQUIREMENTS

- A. In any fire where the cause is immediately determined to be a criminal act, the responding patrol officer will complete a report and take whatever action is appropriate to further investigate the incident. The decision whether or not to have a detective respond will be made based on the same criteria used for all other call outs; i.e., expertise needed in processing the scene, extensive follow-up required, etc.
- B. Any fire in which the cause is suspicious or undetermined and meets the criteria listed in section II.B.2, the responding patrol officer will complete an Officer's Report on the incident, and assist the fire investigators as needed. The Investigations Division shall be notified, and a decision to have a detective respond will be made by an Investigations Division supervisor.
- C. Law enforcement is mandated to report confirmed arson cases to the Department of Justice. Reporting officers must complete a crime report in RMS. An estimate of the content and structure loss is mandatory.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 3.6 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: CHILD ABUSE INVESTIGATIONS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 3.6 Investigations, dated February 19, 2004. See also Department Instruction 3.9, Physical Examination of Victims/Suspects.

I. PURPOSE

To establish general guidelines for the investigation of cases involving suspected child abuse.

II. DEFINITIONS

- A. "Child" means a person under the age of 18 years.
- B. "Child abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. "Child abuse" also means the sexual abuse of a child or any act or omission proscribed by Penal Code Section 273a (willful cruelty or unjustifiable punishment of a child) or Section 273d (corporal punishment or injury). "Child abuse" also means the neglect or abuse of a child in out-of-home care as defined in Section 11165.5 P.C.
- C. "Child abuse or neglect" does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer, nor does it include a mutual fight, scuffle, or disturbance between minors.
- D. The San Diego County Health and Human Services Agency (HHSA) is the branch of county government that oversees Child Welfare Services (CWS).
- E. County Counsel, Juvenile Dependency Division, represents HHSA/CWS in all juvenile dependency matters. In addition to representing HHSA/CWS workers in court, County Counsel provides legal advice and screens cases to determine whether there is sufficient evidence to file a dependency petition. County Counsel represents HHSA/CWS in all proceedings after filing of the petition.
- F. The Family Protection Unit (FPU) of the Escondido Police Department (EPD) is the primary unit within the Investigations Division with the responsibility for the investigation of child abuse crimes.

- G. A dependency issue involving a juvenile may involve officers/detectives from EPD. Examples of dependency issues are the inability of a parent or guardian to take care of a minor under their charge, or where the minor is taken into protective custody as per W&I 300 (parent arrested, parent incapacitated or injured, or parent missing). There can be dependency cases which have no crime-related issues and are of a protective nature only.
- H. Criminal cases of child abuse may have elements of dependency issues. All criminal cases within EPD's jurisdiction will be documented in an investigation. An example of a criminal/dependency case is a parent or guardian taken into custody for a child abuse case or a parent who allows their child to be in a situation where the child's protection interests are at stake or in jeopardy; moreover, leaving the child with that person would or could result in a protective issue.
- I. Should EPD become involved in a case involving dependency issues, FPU will act as liaison for County Counsel (through Child Welfare Services) and assist by providing information stemming from police reports. Should a criminal/dependency issue be the topic of the EPD investigation, FPU will also provide information to CWS that may be shared at any dependency hearing held by the Family Court. Cases that are criminal in nature only (no dependency issues) do not need to be shared with CWS or the Family Court.
- J. Most often the primary investigator and first responder is the patrol officer. It is their duty to determine if a crime has occurred and to gather facts that may lead to notification and/or involvement by the Investigations Division. The first response is critical to the type of investigation that follows.

For more specific information, as to the crimes pertaining to child abuse, see the current California Penal Code.

III. POLICY

It is the policy of this Department to thoroughly investigate suspected child abuse cases in a timely manner.

IV. GENERAL

- A. The courts recognize the legitimate role of the government's responsibility to protect children from abusive parents, and the rights of children and parents to be free from arbitrary and undue governmental interference.
- B. Ill-considered and improper police action can create significant injury when no problem of any kind previously existed.

- C. Officers may remove a child from the custody of their parent without prior judicial authorization only if the information they possess at the time of the seizure provides reasonable cause to believe that the child is in imminent danger of serious bodily injury and that the scope of the intrusion is reasonably necessary to avert that specific injury.
- D. The state may not remove children from their parent's custody without a court order unless there is specific, articulable evidence that provides reasonable cause to believe that a child is in imminent danger of abuse.

V. INVESTIGATION

A. Preliminary Investigation

The preliminary investigation is the beginning of an important and often complex process that will ultimately determine whether child abuse has occurred and, if so, the adequacy of the protection of the child victim and the strength of the case in prosecuting the perpetrator. In most cases, the first responding police officer will conduct this initial investigation.

There are several important steps and factors to consider in a preliminary investigation:

1. Assess the situation and initiate the appropriate responses. The first consideration of the responding officer should be obtaining medical assistance if necessary.
2. Serious or complex cases require notification of the Watch Commander and FPU. If the investigating officer is unsure about whether the case is serious or complex, the investigating officer should notify the Watch Commander to determine the seriousness of the incident. In incidents where the investigating officer must take immediate action (e.g., make the scene safe for potential victims) the officer must notify the Watch Commander and FPU as soon as practical.
 - a. Misdemeanor cases of child abuse which do not require an FPU response will be fully investigated by the patrol officer, including citing the offender when appropriate on a written promise to appear.
3. Locate, contact, and separately interview all victims and witnesses. However, in serious cases where a detective is responding, the officers should not conduct a victim interview unless directed to do so by the responding detective. Minimizing the number of times a child victim is interviewed may reduce psychological and emotional trauma. Be sensitive to the needs of the victim(s) and family members.

4. If the allegation is for sexual abuse or violence of a victim under 14 years of age or any child with developmental delays, Law Enforcement should not interview the child in the field unless absolutely necessary for protective or investigative reasons (See #6 - minimal facts interview below).
5. If one or more witnesses provide information necessary to make immediate safety and investigative decisions regarding a child who is under 14 or any age child who has developmental delays, it is highly recommended no attempt should be made to interview the child in the field. The child should instead be referred for a forensic interview.
6. Sometimes it is necessary for Law Enforcement to gather information about the possible abuse directly from the child in the community before a forensic interview is scheduled. This is known as a “Minimal Facts Interview.” This interview should seek only enough information to make immediate protective and investigative decisions. The interviewer should use open-ended questions and not press the child for details. A minimal facts interview should not be conducted unless directed to do so by an FPU detective, an investigative supervisor, or the Watch Commander.
7. Determine the location and condition of any siblings and document that information in the report. Consider whether there are any protection issues regarding other potential victims and take appropriate action.
8. Complete a records check on the suspect(s) for priors.
9. If the suspect is present, document any spontaneous statements made by the suspect.
10. It is important to obtain spontaneous statements from the suspect because:
 - a. It is crucial to the prosecution of the case.
 - b. It enables officers to determine whether removal of the child from the situation is necessary.
 - c. It often results in admissions that might not occur later. If FPU is assisting, then it will be their responsibility to decide when to conduct the interview.
11. Complete, clear, accurate and objective reports are essential. Do not volunteer opinion unless it can be substantiated by fact.

B. Follow-up Investigation

1. Complete and submit the Suspected Child Abuse Report (DOJ/SS8572).

2. Cross-reporting is mandated and must be done within 36 hours of receiving information concerning the incident. This can be completed by calling the Law Enforcement hotline at (888) 242-5722, and then faxing the DOJ report to (858) 467-0412. All cross reports must be submitted prior to the officer's end of shift.
3. If officers feel that an immediate response is necessary by CWS, they should make that request during their cross-report. Officers may be asked to explain the circumstances and reason for the immediate response request.

For example, officers may find themselves investigating a situation where dependency issues exist, but no criminal investigation is necessary. By involving CWS early on, placement of the children can be arranged ahead of time, as well as arranging for any additional needs.

4. The officer should make referrals for services that provide crisis intervention and/or counseling when appropriate.
5. An allegation of child sexual and/or physical abuse is one of the most sensitive and traumatic experiences a parent and child will face. Therefore, it is incumbent upon the responding officer to take as much time as is necessary to educate the family on the next steps of the investigative process, including but not limited to, possible family contact and home visit by CWS and follow-up interview(s) with an assigned detective. The officer may explain the prosecutorial process to the victim and family. However, the assigned detective should be able to provide a more detailed explanation of the prosecutorial process to include the need for Deputy District Attorney interviews, Kids in Court services, victim-witness services and subpoena response. Providing this information to the family early on can minimize the anxiety families experience about what to expect next.
6. Officers should complete their reports before the end of their shift when the reported abuse was acute and time sensitive evidence may need to be submitted to the San Diego County Sheriff's Crime Lab, when there is a protection concern for the child and/or there is a concern the suspect may become aware of the investigation and flee. The completed report will aid the assigned detective in determining the next steps for the investigation.

C. Evidence

As in all crimes, collecting evidence is fundamental. In child abuse cases, the collection of physical evidence is critical, especially when children are too young to provide clear statements. Additionally, crimes against children, especially those that are sexual in nature, often occur in secret. However, two crime scenes will still exist. The first crime scene is the physical location where the abuse took place. The second crime scene is upon the child's body where the abuse was inflicted. Officers must recognize the importance of both crime scenes and, when possible, gather evidence that supports or refutes the allegations of child abuse. If there is a question about whether a piece of potential evidence should be collected, the officer should call an FPU detective or an investigative supervisor.

A physical examination of the child may yield evidence that corroborates the allegation to include: patterns, markings, biological material, etc. Likewise, officers examining a physical crime scene (the specific location where the abuse took place) should be aware of other potential evidence, such as clothing, bedding, electronic devices, etc. In serious or complex cases, the officer should request a response from Crime Lab personnel and the investigative supervisor should be notified.

When responding with CWS, CWS workers will not take possession of physical evidence.

D. Exams

1. Courts have ruled that the "Constitution assures parents that, in the absence of parental consent, (physical examinations) of their child may not be undertaken for investigative purposes at the request of state officials unless a judicial officer has determined, upon notice to the parents, and an opportunity to be heard, that grounds for such an examination exist and that the administration of the procedure is reasonable under all the circumstances."
2. Parents have a right arising from the liberty interest in family association to be with their children while they are receiving medical attention (or to be in a waiting room or other nearby area if there is a valid reason for excluding them while all or part of the medical procedure is being conducted). Likewise, children have a corresponding right to the love, comfort, and reassurance of their parents while they are undergoing medical procedures, including examinations, particularly those that are invasive or upsetting.
3. Advanced notice to parents regarding examinations gives them an opportunity to object to the intrusive examination, to suggest conditions under which they might take place, or to be present when they occur.

4. Evidentiary exams are to be conducted by Palomar Hospital's Child Abuse Program (CAP) unless otherwise directed. An FPU detective, an investigative supervisor, or the Watch Commander must approve all CAP exams.
 - a. When hospital personnel are notified that an evidentiary exam is required, it must be clear that we are not assuming responsibility for any treatment not related to the case investigation. We are responsible for "evidentiary" requests initiated for the purpose of investigating the case.
5. Authorization of Exams
 - a. The child cannot be taken from the parent by investigators and brought to Palomar Health for an exam without parental consent (written or verbal), a court order, or exigency.
 - b. Parents or legal guardians may authorize both forensic interviews and forensic exams of their children.
 - c. In those cases where the child is a dependent ward of the court, authority to authorize exams rests with CWS. The officer will obtain a copy of the court order showing the child is mandated into protective custody and/or is a dependent of the Juvenile Court. A copy of the order should be attached to the report.
 - d. A current OCJP 923 (Office of Criminal Justice Planning) consent authorization form, provided by CAP, will be completed, signed by the legal guardian or parent and submitted with the report. In the event that a detective is not assisting in the case, the officer who is completing the consent form should apprise the Watch Commander of the circumstances prior to authorizing the exam.
 - e. The officer or detective will make themselves available for clarification or questions from the parents or guardian if needed.
 - f. In situations where exigent circumstances exist (dissipation of evidence) and/or a need for immediate medical attention, authorization will come from the original first responding officer. The Watch Commander and FPU will be contacted immediately and given a thorough explanation of the situation to substantiate the need for an immediate exam and/or treatment. These facts must be thoroughly documented in all subsequent reports.

- g. Pursuant to California Family Code Sections 6921, 6927, and 6928, victims 12 years old and older may consent for their own sexual abuse exam. For victims under 12, parental consent or a court order is required except for medical emergencies or if the evidence may dissipate (Wallis V. Spencer (2000) 202 F. 3d 1126.)

6. Timing

- a. The California Protocol recommends a timely exam for any sexual abuse or assault victim within 120 hours of the event. However, not all victims need to be seen immediately, especially if the victim presents at night. It is reasonable in some instances to defer the exam until first thing the following morning to avoid unnecessary stress on the child and family. An FPU detective, an investigative supervisor, or the Watch Commander must approve this.

E. Types of Abuse

There are several indicators that suggest various types of child abuse:

1. Physical Abuse

Indicators of physical abuse include, but are not limited to, specific types of bruises, welts, burns, lacerations, abrasions, hemorrhages, head injuries, fractures and scars. The injuries are often unusual injuries or are unusual for the age of the child. They are frequently unexplained or inconsistent with the explanation provided by witnesses, caregivers, parents, or even suspects. There is often a history of previous or recurrent injury.

2. Sexual Abuse

Indicators of sexual abuse include, but are not limited to, pregnancy or venereal disease, torn or stained clothing, pain, itching, or the presence of tearing, bruising, bleeding or inflammation of the mouth, anus or genitals, or evidence of semen. A child who displays inappropriate sexual interest in themselves or others beyond what is considered by experts to be natural and normal may also be an indicator of sexual abuse or sexualization. A child's disclosure to another child or adult is a significant indicator of sexual abuse, as children often delay in disclosing sexual abuse. In most cases, there may be no physical symptoms of sexual abuse because children most often delay in disclosing their abuse which results in healing or the evanescence of evidence.

3. Neglect

Under the California Child Abuse Reporting Law, two degrees of neglect are defined:

- a. Severe Neglect - Law enforcement responsibility. Severe neglect occurs when a caretaker willfully endangers the health or safety of a child. It includes, but is not limited to, the intentional failure to provide adequate food, clothing, shelter, or medical care. Negligent failure to protect from severe malnutrition, or non-organic failure to thrive also applies [11165.2(a) P.C.].
- b. General Neglect – HHSA/CWS responsibility. General neglect occurs when the caretaker negligently fails to provide adequate food, clothing, shelter, or supervision, or medical care, and the child has sustained no physical injury [11165.2 (b) P.C.].

4. Emotional Abuse

Children who are present or witness to domestic violence will generally fall under the category of emotional abuse. Officers must complete a Cross-Report in those cases and also investigate whether other types of abuse have occurred. Refer to Department Instruction 5.7 on domestic violence for additional information.

There are also several behavioral indicators which may suggest abuse has occurred or is occurring. It is important to know children who have been physically or sexually abused may respond differently as child abuse is subjective depending upon the child. However, there are several common behavioral changes and/or characteristics that children who have been abused may display. Those actions and/or changes are unique to each child and dependent upon the type of abuse they have experienced. For example, physically abused or neglected children may be withdrawn, unresponsive or express fear about a person suspected of abuse. Sexually abused children may exhibit early or exaggerated awareness and/or interest in sexual activity, engage in self-harm or feign sickness to avoid contact with the abuser, who is most often someone the child knows. There are myriad other possible responses children may display as a result of being a victim of abuse. Therefore, physically abused or neglected children are often withdrawn or unresponsive. Sexually abused children often exhibit early or exaggerated awareness of sex. Therefore, any officer or detective assigned to investigate cases of this nature should weigh these factors or combinations of these factors when dealing with these types of cases.

F. Real Evidence Collection

The officer should photograph, document and collect real evidence, such as instruments used to beat or burn a child. In cases of neglect, medicines, illegal drugs, guns, knives and poisons that were within the reach of the child should be photographed, documented and collected. Living conditions, lack of food, hygiene issues, and other factors to substantiate criminal or dependency issues must be photographed or recorded on bodyworn camera and documented in the report. In sexual abuse cases, bedding, clothing, stains, hair samples, blood samples, saliva samples, fingernail scrapings, and oral, anal, and vaginal samples for semen analysis should be collected by authorized persons (trained evidentiary technicians and/or Pediatric Sexual Assault Nurse Examiner or SANE Nurses). Photographs and/or bodyworn camera video of the location where the abuse occurred will be of critical importance for a future prosecution.

G. Documenting Evidence

Officers who collect evidence are required to carefully preserve it and to document where, when, and how it was seized. A chain of custody should be carefully maintained and all evidence must be labeled and impounded in accordance with Department procedures.

In child sexual abuse, physical abuse and neglect cases, photographs of the child are critical. Photographs of an injured or neglected child at the time of the abuse may be especially useful in court to indicate the extent of injury, since many of these injuries will heal significantly before scheduled court appearances. When a child appears in court, a judge and/or jury would need to see the child's condition, and their appearance may be substantially different from the time of the investigation. Children who were victims of child sexual abuse should also be photographed as it is not uncommon for cases involving sexual abuse to take several years before a jury trial is scheduled. In cases where photographs are needed, officers must take several photographs at various angles depicting the injuries and/or overall condition of the child's body. Officers should use a scale to assist with documenting the photographs and should follow current Department evidence procedures regarding the use of photographs.

VI. DISPOSITIONS

A. Case Unfounded

A report of suspected child abuse may be determined to be unfounded; i.e., false report, inherently improbable, injury was accidental or did not constitute child abuse.

The fact that a case may be unsubstantiated does not justify the conclusion that it is unfounded.

B. Referral for Community Services

If the case does not constitute suspected child abuse, but some dysfunction within the family exists, the officer or investigator may refer the family for community services.

C. Referral for HHSA/CWS

The case may be referred to CWS to assist the family in resolving their problems and properly caring for their child.

D. Protective Custody

The first priority of the law enforcement officer is the protection of the child. When the officer has reasonable cause for believing that the child is in immediate danger of physical or sexual abuse, or the physical environment poses an immediate threat to the child's health or safety, the officer may place the child in protective custody (W&I 300). (An example would be a parent who is a suspect and they have the means to access the child, whether they live in the home or not.) In cases where the suspect is not the parent but may still have access to the child, then the ability and willingness of the parent or guardian to keep the child from further harm will be the deciding factor. Notification to the Watch Commander and FPU is required when making these decisions. The need to place other siblings into protective custody should also be considered (see W&I Code 300).

E. Reasonable Cause and Imminent Danger

1. Police cannot seize children suspected of being abused or neglected unless reasonable avenues of investigation are first pursued, particularly where it is not clear that a crime has been or will be committed.
2. Some factors to consider in determining if a child is in immediate danger of physical harm include:
 - a. Does the non-perpetrating caretaker believe the child?
 - b. Is there alcohol or other drug use involved?
 - c. Is there financial dependency?
 - d. Has the non-perpetrating caretaker attempted to previously separate from a suspect if aware of earlier allegations of abuse?
 - e. Are there additional stressors?
 - f. Is there cooperation?
 - g. Is there denial regarding the perpetrating caretaker's role in the abuse?
 - h. Does the non-perpetrating caretaker see him/herself as the victim rather than the child; or see the child as the offender?
 - i. Is there an emotional dependency on the alleged perpetrator by the non-perpetrating caretaker?

- j. Is there a support person that the non-perpetrating caretaker can rely upon/turn to for assistance?
 - k. What does the child want?
- 3. Since every situation and investigation is different, the decision to place a child in protective custody should be based on whether the child is in imminent danger of physical harm.
 - 4. Officers and detectives do not have the authority to make decisions on where the child should be placed. When protective issues are present, children will be referred to an HHSA facility such as Polinsky Children's Center (PCC). Additionally, officers and detectives will not place a child into the care of another person even with the advice of CWS; the child should be transported to PCC first so the CWS staff can arrange for placement.
 - 5. There are, however, certain circumstances where an officer may assist in facilitating placement of a child or the transportation of a child (these are not criminal matters):
 - a. When a parent or guardian is sick or injured and gives permission for the officer or detective to release the child to another person who has the ability to act as caretaker and no criminal situation exists related to the health or welfare of the child.
 - b. When a parent or guardian is taken into custody for a warrant and the parent or guardian has an alternative person who can act as caretaker for the child and no criminal situation exists related to the health or welfare of the child.

F. Referral to Family Court

When the child has been placed in protective custody, CWS or the Probation Department will immediately refer the case to the Family Court. The case may also be referred to dependency investigation without taking the child into custody.

Officers or detectives must provide their initial written report to PCC upon delivery of the child. PCC will then forward that report to the court. Cases where a child has not been taken into protective custody are investigated by FPU and the investigator assigned makes arrangements for the report to be sent to CWS and then to the court.

G. Arresting the Suspect

Although most responses to child abuse calls do not result in immediate arrest, the officer may determine that arrest of a parent, caretaker, or other suspect is warranted. Arrests are proper when:

1. Injury to the child is severe;
2. There is evidence that a serious crime has been committed;
3. There is reason to believe the suspect will flee; or
4. The suspect presents an imminent danger to others.

When an arrest is made for a felony child abuse case, FPU shall be notified immediately. This timely notification is essential for the presentation of the case to the District Attorney's office and/or the Family Court. No reports involving the arrest of a child abuse suspect can be deferred to the next day unless unusual circumstances exist and both the FPU supervisor and Watch Commander approve.

H. Referral for Criminal Prosecution

When the evidence warrants, referral for prosecution may occur whether a suspect is arrested or not.

When appropriate, the patrol officer should cite for misdemeanor child abuse.

I. Assisting CWS

1. At times, officers may be asked to assist CWS to keep the peace while CWS conducts its own investigation.
2. Officers will not take a child into protective custody at the direction of CWS unless:
 - a. CWS provides the officer with a copy of a court order directing that the child be taken into protective custody, or
 - b. The officer reasonably believes the child is in immediate danger of physical abuse. In these cases, the Watch Commander will be notified at once.
3. Officers must communicate with FPU when dealing with the situation and gather as much information as possible to see if either a case is already open or a new investigation needs to be conducted. Regardless, any action by the officer must be documented.

4. Officers must keep in mind that they have an obligation to understand the facts of CWS's case before they act. Some of the factors to be considered are:
 - a. The original referral information received by CWS;
 - b. How this information was obtained by CWS;
 - c. How old the information is;
 - d. What action has already been taken; and
 - e. What facts have been established to warrant removal of the child or entry into a home to investigate the possibility of removing a child.
5. When an officer is present to assist CWS, the officer must keep in mind all the constitutional issues regarding search and seizure or due process. Officers must consider that warrantless entry into homes is prohibited unless there are exigent circumstances. *Suspected child abuse itself is not an exception to the law unless an exigent circumstance (imminent danger to the child, loss of evidence, etc.) is present.*
6. The officer is required to take sufficient time to fully understand the purpose of the request for assistance from CWS. The facts of the case, and the timeliness of the situation, is of the utmost importance and mandatory when deciding whether to act or not.
7. In the event that an officer is in disagreement with the actions deemed appropriate by CWS, the Watch Commander should be notified immediately.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 05-25-16	NO: 3.7 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: PROCEDURE FOR HANDLING AND DISPOSING OF SUSPECTED STOLEN PROPERTY FROM A PAWN SHOP	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supercedes Department Instruction 3.7 Investigations, dated April 15, 2004.

I. PURPOSE

To establish procedures for the handling and disposing of suspected stolen property in the possession of a pawnshop.

Under California law, suspected stolen property in the possession of a pawnshop may be seized without a warrant under the Finance Code Section 21200, et. seq. Suspected stolen property may also be placed on hold for 90 days under Business & Professions Code Section 21647.

Disposition of the recovered property is likewise governed under the above statutes, as well as Penal Code Sections 1408 through 1417.

II. OPTIONS

- A. In general, a police officer should not seize suspected stolen property from a pawnshop. He or she may place a 90-day hold on the property by providing the pawnbroker a copy of EsPD form #86 and advising the pawnbroker of the 90-day hold (Business & Professions Code 21647). This may be done when the officer has probable cause to believe the property is stolen. The residential burglary detective will be responsible for maintaining a log regarding the status of 90-day holds.
- B. An Escondido Police Department investigator may then seize the item for evidence by providing the pawnshop owner a receipt for the seized property (EsPD Form #86), or he may leave it at the pawnshop with the 90-day hold.

III. PROPERTY ON 90-DAY HOLD

- A. An Escondido Police Department officer may place property in possession of a pawnshop on hold not to exceed 90 days whenever he/she has probable cause to believe the property is stolen.
- B. An Escondido Police Department officer shall give the pawnshop owner written notice describing the property to be held (EsPD Form #86).
- C. The assigned investigator may authorize the release of the property ordered to be held when it will not be needed for a criminal case. When the property is needed for a criminal case, the pawnbroker is required to deliver the item to court.

- D. If the Escondido Police Department does not have notice that the property is reported stolen, the property shall be released to the pawnshop.
- E. If the Escondido Police Department has notice that the property has been reported stolen, the assigned investigator shall notify the person by certified letter (EsPD Form #87), by telephone, or in person, of the location of the pawnshop where the property is being held and authorize the release of the property. He/she shall also inform the alleged owner retrieving the property that he must do so within 60 days. The assigned investigator shall also advise the person claiming ownership that the law neither requires nor prohibits payment of a fee or any other condition in return for surrender of the property; except, when the alleged owner chooses not to file a criminal complaint against an identified alleged thief, the owner shall pay the pawnbroker the "out-of-pocket" expenses paid in acquiring the alleged stolen property in return for surrender of the property [B&P 21647(c)(2)].
- F. Escondido Police Department personnel shall release the hold on the property after 60 days have elapsed following notice to the alleged owner.

IV. PROPERTY SEIZED AS EVIDENCE UNDER PENAL CODE SECTIONS 1407 THROUGH 1417

Items entered in court as evidence in a criminal trial will be disposed of by the magistrate.

V. REQUIREMENTS TO BE MET BEFORE RELEASING PROPERTY TO PERSON CLAIMING OWNERSHIP

No property seized from a pawnshop may be surrendered to any person claiming ownership without complying with the following requirements:

- A. The investigator assigned to the case shall notify, by certified letter after trial or termination of proceedings, the owner, any person having security interest (e.g., person on the pawn ticket or receipt), and the pawnshop of the location of the property and the method by which the property may be obtained (EsPD Form #87).
- B. The person claiming ownership has 90 days after receipt of notice to retrieve the property. If the person fails to retrieve the property within 90 days, the property will be returned to the pawnshop.
- C. The person claiming ownership must provide satisfactory proof of ownership and personal identification to the property room clerk. It shall be within the property room clerk's discretion in determining whether proof of ownership is satisfactory and he/she may consider any relevant matter in making the determination. The person claiming ownership shall also sign under penalty of perjury a declaration of ownership.

- D. The property room clerk shall serve a Notice of Claim of Ownership by certified or hand-carried letter to the pawnshop, along with a copy of Declaration of Claim of Ownership and a copy of satisfactory proof of ownership (EsPD Form #87).
- E. The pawnshop owner must request a hearing within 15 days of receipt of Notice (EsPD Form #87) to provide reasons why the property should not be turned over to the person claiming ownership.
- F. If the pawnshop owner fails to request a hearing, the property shall be returned to the person claiming ownership after the property clerk photographs the property.
- G. If a hearing is requested, the property room clerk shall hold the hearing within 15 days of receipt of the pawnshop request. After the hearing, the property room clerk's decision as to ownership shall be final. The property room clerk shall photograph the property before it is returned.
- H. All documents, photographs and follow-up reports documenting the process shall be sent to the Records Section for filing under the original case number.

VI. ITEMS HELD FOR OUTSIDE AGENCIES

If an item is identified as stolen from an outside agency, a hold shall be placed on the property for that agency. The investigator shall send a notification (EsPD Form #88) to the agency, advising them of the hold and the location of the pawnshop. A copy of the pawnslip shall also be sent.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION		DATE: 12-03-20	NO: 3.8 INVESTIGATIONS
TO:	ALL SWORN PERSONNEL	SUBJECT:	INVESTIGATION OF A.B.C. LICENSED ESTABLISHMENTS
ORIGIN:	CHIEF OF POLICE	RETAIN:	UNTIL FURTHER NOTICE

This Instruction supersedes Department Instruction 3.8 Investigations, dated February 17, 2017.

I. PURPOSE

The purpose of this Instruction is to establish guidelines for the handling of complaints, calls for service, and investigations of businesses or individuals that sell or dispense alcoholic beverages and any establishment licensed to sell or dispense alcohol by the State of California.

II. GENERAL

It is the goal of the Escondido Police Department to identify licensed alcohol establishments that continually violate the law and to process reports on new and/or existing licensed premises.

III. DIVISION RESPONSIBILITIES

A. Duties of the Patrol Division:

1. Conduct unannounced and unscheduled inspections at ABC licensed establishments.
2. Take enforcement action on all violations observed at licensed establishments. Select ABC in special studies in RMS, crime and incident reports related to licensed premises.
3. Document all crimes that occur at licensed establishments. Crimes or incidents that have an uncooperative victim should be documented on an officer's report.
4. Notify S.I.U./Vice of any pattern or unusual incidents occurring at licensed establishments.

B. Duties of the Records Division:

1. Forward a copy of all cases involving licensed alcohol establishments to S.I.U.

C. Duties of S.I.U./Vice:

1. Review all applications for licenses to sell or dispense alcoholic beverages.
2. Follow-up on all cases and information relating to problems at licensed establishments.
3. Develop intelligence and take enforcement action on licensed establishments that are in violation of the law.
4. Function as a liaison between the Department of Alcoholic Beverage Control and the Escondido Police Department.
5. Submit relevant cases to the Department of Alcoholic Beverage Control or the San Diego County District Attorney's office, as appropriate.
6. Maintain files on alcohol licensed establishments.
7. Conduct random visits and inspections of licensed businesses.
8. Attend ABC court hearings when summoned.
9. Work with ABC during the alcohol license application process.
10. Apply for ABC grants as they become available and carry out the terms of the grant contracts (minor decoys, shoulder taps, impact inspections, roll call trainings, narcotic operations, over service/obviously intoxicated, and maintain records and provide monthly reports for grant funded operations).

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-29-20	NO: 3.9 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: PHYSICAL EXAMINATION OF VICTIMS/SUSPECTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 3.9 Investigations, dated May 24, 2017.

I. PURPOSE

This Instruction establishes a uniform procedure to be used in the examination of strangulation victims, sexual assault victims and/or suspects of violent crimes and the collection of physical evidence.

II. VICTIMS/SUSPECTS TO BE EXAMINED

- A. All physical examinations will be conducted at Forensic Health Services (FHS), Children's Hospital, the Escondido Police Department, or appropriate facility.
- B. All victims (who provide consent) and suspects of sex crimes cases shall be examined if the nature of the case indicates that evidence may be present.

A minor who is 12 years of age or older and who states he or she is injured as a result of intimate partner violence may consent to medical care related to the diagnosis or treatment of the injury and the collection of medical evidence with regard to the alleged intimate partner violence (Family Code 6930).

- 1. Evidence, such as semen, may be found up to five days after the incident.
- 2. Individuals who are not sexually active may show evidence of sexual abuse for a longer period of time.
- 3. It is not necessary for the suspect to ejaculate for evidence to be present.
- 4. A suspect taken into custody after committing a rape or sodomy shall be examined; likewise, a suspect taken into custody for other sex crimes may be examined depending on the circumstances.
- 5. If a victim and a suspect involved in the same incident are to be examined within the same time frame, they are to be separated at all times.
- 6. If the victim is unable to consent (victim is unconscious or has a cognitive disorder), consult with the forensic nurse and the FPU Sergeant to develop a plan to determine if exigent circumstances require a court order or if the forensic medical exam can be delayed until the victim is medically cleared.

C. Homicide Suspects:

1. All suspects arrested for homicide will be evaluated for the purpose of ruling out intoxication. This will be conducted at Palomar Hospital, the Escondido Police Department, or appropriate facility. Laws relating to intrusive exams must be taken into consideration and unless the collection of such evidence is part of the crime and may be lost with time, then consent or a court order will be sought.
2. Responsibility for the medical examination of a homicide suspect will lie with the homicide investigator.
 - a. If an officer other than a homicide investigator makes the arrest, he shall closely watch the suspect to avoid destruction of possible evidence; i.e., blood, dirt, powder burns, etc.

D. Non-Participating Report (NPR) SART Exam

1. Per the Federal Violence Against Women Act and county protocol, a victim has a right to request a SART exam to preserve evidence even though they do not wish to actively engage in a law enforcement investigation at the time. This is also known as a Non-Participating Report (NPR).
2. It is the policy of this agency as well as the County of San Diego that the agency responsible for investigating the crime shall be the one to order the SART Exam as well as be responsible for all expenses incurred for the forensic medical exam.
3. Officer does not respond to location for NPR without patient consent.
4. The forensic nurse will contact dispatch for authorization. (They will require an officer name, badge number, and case number. The San Diego County Sheriff's Crime Lab requires a case number for all kits to be processed.)
5. The forensic nurse will submit a suspicious injury report to the Department via fax.

E. Victims of child abuse (see Department Instruction 3.6, Child Abuse Investigations).

F. Domestic Violence Forensic Medical Exam – Victims of Strangulation (see Department Instruction 5.7, Domestic Violence).

III. PROCEDURE FOR EXAMINATION

A. Victims having injuries necessitating emergency medical treatment:

1. It is the responsibility of the preliminary reporting officer to determine whether the victim of an alleged sex crime or domestic abuse should receive medical attention at a hospital. Those victims who are injured to the extent that immediate medical attention is necessary shall be taken to Palomar Hospital Emergency Room.

The officer shall request that an examination for evidence be conducted following medical treatment.

B. Uninjured Victims:

1. Victims not requiring medical attention shall be taken to FHS.
 - a. The transporting officer shall notify the Communications Section, via radio or phone, that she/he is en route to FHS or other appropriate facility with a subject for an examination. (VICTIMS AND SUSPECTS SHALL NOT BE REFERRED TO AS "RAPE VICTIM, HOMICIDE SUSPECT," ETC. AND THEIR NAMES WILL NOT BE BROADCAST ON THE RADIO OR VIA CAD.)
 - b. Officers should remain during the interview, but officers are not to remain in the examination room during the examination.
 - c. The transporting officer shall remain at the medical facility until the examination is complete, or until relieved by his supervisor or the investigator.
 - d. Forensic nurse examiners have been trained in the collection of evidence. The Department has provided them with packaging materials and containers. Completed victim or suspect evidence received from a staff member will be impounded as soon as possible. See evidence handling procedure for refrigeration and/or special handling instructions.
 - e. The victim/suspect will be transported home or to the Police Department, as appropriate, by the initial reporting officer or investigator. VICTIMS ARE NOT TO BE LEFT AT THE HOSPITAL.
 - f. All examinations of victims/suspects will be conducted pursuant to agreements between the Police Department and Palomar Hospital. There will be no charge to the patient. The officer should make the victim aware of that. This procedure does not provide for treatment of injuries, and payment for any such services will be the responsibility of the patient.

IV. EVIDENCE OBTAINED DURING THE FORENSIC MEDICAL EXAM

- A. All clothing worn by the suspect at the time of the offense shall be taken and impounded.
- B. Clothing or bedsheets brought to FHS by the patient will be placed in a brown paper bag and given directly to the officer to be impounded.
- C. Clothing worn by the victim or suspect at the time of the exam, and that may be contaminated or contain evidence, will be taken and impounded by the forensic nurse examiner.
 - 1. If a victim's clothing is to be impounded as evidence, FHS will make arrangements to have a change of clothing for the victim.
- D. Victim and suspect clothing not collected during the exam must be packaged in separate paper bags. Do not package in plastic bags.
- E. Evidence that cannot be collected by the reporting officer must be protected until the assigned investigator determines disposition of the evidence.
- F. If the forensic nurse has “wet evidence” that is too saturated to be impounded at FHS, the forensic nurse will ask an officer to retrieve the “wet evidence” at the time of the exam.

V. TESTS NOT ADMINISTERED AT THE HOSPITAL

A suspect who is taken into custody shortly after a sex offense, who appears to be under the influence of an alcoholic beverage or drug, shall be given a chemical test to determine the extent of his/her sobriety. Dissipation of evidence must be taken into consideration to collect such evidence, as well as probable cause, a court order, or consent.

VI. PROCEDURE FOR VICTIM TO CONTACT DETECTIVE

- A. Advise victims of sexual assault that a detective will contact them.
- B. Do not advise victims to contact detectives the following day.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 3.10 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: INFECTIOUS DISEASE CONTROL	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 3.10 Investigations, dated November 6, 2003.

I. PURPOSE

This directive has been developed so that this agency may manage those things that we can reasonably predict may occur during the performance of our duties, while protecting Departmental personnel from unnecessary exposure to infectious diseases.

II. DISCUSSION

Police personnel and other public safety personnel routinely come into contact with members of the public. At some point, it is predictable that police personnel will come into contact with a person who has Acquired Immune Deficiency Syndrome (AIDS), hepatitis and/or other infectious diseases. Although there are no reported instances where police personnel have contracted AIDS as a result of a duty-related incident, cases have been documented where Human Immunodeficiency Virus (HIV) has been transmitted to health-care workers. These instances have been the result of handling of blood samples with ungloved hands (particularly where skin disorders have left broken skin), splashing of contaminated blood into the mouth, nose and eyes or piercing of the skin with a contaminated needle and/or sharp object with possible contaminants.

As a result, extreme caution should be exercised by police personnel, and the following procedures shall be utilized when dealing with blood, items stained with blood, other bodily fluids, persons of high-risk groups, needles and/or syringes.

III. POLICY

A. Infectious Disease Precautions

1. Precautions should be taken by police personnel to limit their exposure to contagious diseases.
2. Protective disposable gloves and other Personal Protective Equipment (PPE) should be used by police personnel to prevent transmission of contagious diseases. Direct contact with blood and other bodily fluids should be avoided whenever possible. Police personnel are required to carry issued, protective disposable gloves while on their tours of duty.
3. Police personnel shall not eat, drink or smoke within crime scenes where bodily fluids are present or other contagious factors exist.

4. Police personnel should be aware that certain prescribed medications, such as steroids and asthma medications, suppress their immune systems and make them more susceptible to infectious disease. Police personnel should consult with their private physician if they are taking prescription drugs.
5. Pregnant police personnel are advised to report to their physician any direct contacts with body fluids in the line of duty. Infectious diseases can cause severe problems in newborns.

B. Infectious Disease Training

The Training Division will be responsible for disseminating updated information. Patrol supervisors will assist the Training Division in coordinating additional briefing and/or in-service training.

IV. PROCEDURES

A. Supplies

1. Commanding officers shall ensure that adequate supplies are available for infectious disease control within their respective units.
2. Property personnel will be responsible for the inventory and dissemination of supplies for infectious disease control. Property will also initiate reordering procedures before supplies become depleted.
3. Police personnel using supplies stored in police vehicles are responsible for replacing them. Protective gloves, other first-aid supplies, and disinfecting materials will be made readily available at all times.
4. Supplies will include:
 - a. Protective disposable gloves;
 - b. Plastic red bio-hazard bags and sealing ties, or sealable plastic bags;
 - c. Protective masks;
 - d. Vionex wipes;
 - e. Plastic eye protectors and/or face shields;
 - f. Disinfectant spray; absorbent powder; biohazard blankets;
 - g. Spray bottles, sharps containers;
 - h. Foot coverings;

- i. Tyvek coveralls;
- j. Sponges, cold packs, gauze, non-stick pads, and other first aid materials;

B. Custody Procedures

1. All persons should be treated with caution, since anyone can be a possible carrier. Where violence or an altercation is likely, protective disposable gloves should be worn. Extreme caution should be used during the search of suspected drug users or dealers to prevent accidental skin punctures by needles. Extreme caution must also be used when reaching into areas, such as under car seats, that are not visible.
2. After the completion of the task or search where protective disposable gloves were utilized, they should be removed with caution and placed in the proper bio hazard receptacle.
3. Whenever it is necessary to transport a subject who has blood or bodily fluids present on their person or clothing, the supervisor shall be notified. Ambulances should be summoned when transport is necessary to a health-care facility.
4. Subjects with blood or bodily fluids present on their persons should be transported separately from other subjects when possible. Officers will inform Communications when a subject should be transported alone.
5. Police personnel have an obligation to inform other support personnel (firefighters, paramedics, deputies, etc.) whenever change or transfer of custody occurs and the subject has blood or bodily fluids present on their person, or if the subject has made a voluntary statement that they have a contagious disease (i.e., "Bodily Fluids Present").
6. Officers should indicate on the appropriate arrest forms when a subject taken into custody makes a voluntary statement that they have an infectious disease; verbatim narratives also will be included when preparing arrest reports. Additionally, a notation should be made when a subject has blood or bodily fluids present on their person or clothing (i.e., "Bodily Fluids Present").
7. Officers responding to a call where a complainant is alleging that they have been intentionally infected with an infectious disease shall summon a supervisor to respond to the scene. Notification to the Investigations Bureau, outlining the details of the alleged occurrence, shall be initiated.

C. VEHICLE MAINTENANCE

1. Disinfection procedures shall be effected when a police vehicle requires maintenance after exposure to blood or other bodily fluid discharges.
2. Personnel will effect disinfection procedures (where appropriate).
3. Recommended disinfection procedures are as follows:
 - a. Protective disposable gloves will be worn during all phases of disinfection.
 1. All personnel should be aware that rings, jewelry or long fingernails may compromise the structural integrity of the gloves. They should make certain the gloves are not torn before they attempt to begin any phase of the maintenance process.
 - b. All contaminated or exposed surfaces are to be thoroughly cleaned and decontaminated after each exposure, using the appropriate solution. Note that surfaces that come into contact with blood or other potentially infectious materials (OPIM) from either passengers or employees are considered contaminated. Included are equipment and surfaces that the employee may have touched with contaminated gloves. Afterwards, the absorbent materials should be immediately placed in a red bio-hazard bag and placed in the designated "Contaminated Item Receptacle."
 - c. The contaminated area is to be isolated and identified (i.e., with signs, yellow tape, etc.) as hazardous, to prevent cross contamination to other employees and citizens. Notify an immediate supervisor and put on appropriate PPE. Use cleaning materials best suited to the incident.
 - d. All disposable contaminated cleaning items shall be placed in red bio-hazard bags and placed in the designated "Contaminated Item Receptacle."
 - e. Personnel shall be careful not to contaminate themselves during this cleaning regimen or when taking off their disposable protective gloves.

D. Cell Contamination

1. The Watch Commander will be responsible for ensuring that the cell will be properly disinfected or sealed off.
2. Personnel shall be careful to use protective disposable gloves and other infectious disease control materials to prevent transmission of contagious diseases.

3. The Watch Commander may decide to summon City Building Maintenance personnel for additional cleanup and decontamination if the spill area dictates.

E. Handling and Storage of Property and Evidence

1. Evidence containing suspected blood or other bodily fluids should be handled with gloves. If the stain or sample is dry, it should be double paper bagged with a proper evidence tag and a red bio-hazard sticker attached. Syringes will be placed in a clear plastic tube (or other device provided by the Property Division) for protection. The bag should be tagged with an evidence tag. It should be noted that if the needle/ syringe is to be processed for latent fingerprints, the plastic bag may hinder the obtaining of latents. Remember, the safety of all personnel is of utmost importance.

Liquid samples should be either collected as a liquid and stored in a bottle or, if located on clothing or similar materials, air-dried and packaged as described above.

2. Always wash thoroughly with an appropriate cleaning solution and water after handling any item suspected of being contaminated with blood or other bodily fluids. Wash even if you have worn gloves.
3. Persons working for extended periods of time in areas where blood or other bodily fluids have been shed (for example, crime scene personnel working for protracted periods of time at homicide scenes) should wear anti-contamination clothing, such as Tyvek suits, masks, boot covers, and gloves.
4. Property Division personnel will adhere to a precise regimen when handling, processing and storing potentially infectious disease-contaminated evidence/property. All wet items must be dried in the drying chamber prior to packaging, regardless if it is evidence, found property, or safe-keeping.
5. Any clothing or evidence known to be contaminated with suspected HIV, AIDS, Hepatitis B, or other infectious diseases will be clearly identified and labeled in this manner: "Known AIDS"; "possible Hepatitis B"; etc., with a bio-hazard sticker affixed to the outside of the packaging.
6. All bloody clothing will be treated as if it is contaminated, be packaged in a paper bag, and labeled with bio-hazard stickers on the outside of the packaging.
7. All bloody clothing or evidence, and sacks containing the clothing or evidence, will be handled with protective disposable gloves.
8. Property Division personnel will furnish protective disposable gloves to officers, detectives, district attorneys, or others handling bloody clothing while in the Property Division.

9. Any clothing known or suspected to be contaminated with any contagious disease, bloody or not, will be handled by Property Division personnel only after those persons don protective disposable gloves.
10. The Property Division personnel shall wash their hands thoroughly with an appropriate cleaning solution after handling any possible contaminated clothing or evidence.
11. All property for disposal shall be kept in red bio-hazard bags and placed in the Contaminated Item Receptacle.

F. Property Contamination

1. The officer will inform the Property Division personnel, verbally or in writing, when possible infectious disease-contaminated items are transferred to their custody.
2. If effective disinfection procedures are not practical, officers will direct a letter through the chain of command to the Chief of Police for replacement.
3. The correspondence should include:
 - a. The circumstances by which the property became contaminated;
 - b. Whether any person was charged with destruction of public or private property, due to the circumstances by which it became contaminated.

G. Line of Duty Exposure to Infectious Disease or Contaminated Materials

1. Documentation will be prepared when any person has cause to believe they have had high-risk exposure during line of duty activity. Officers will complete the appropriate workers' compensation forms (DWC 1) and the post-exposure form (FM453).

Examples of high-risk exposure are:

- a. The handling of bloody or wet items, where scratches, cuts or open sores are noticed on the area of contact.
- b. Direct contact with bodily fluids from a subject on an area where there is an open sore or cut.
- c. The receiving of a cut or puncture wound as a result of searching or arresting a subject.
- d. Exposure to eyes, nose or mouth.

2. A supervisor will be contacted, and a report detailing the extent of exposure will be completed.
3. In addition, an employee work injury report will be completed.
4. After an exposure, all personnel will be evaluated clinically and serologically for evidence of infection. This will be done through Tri-City Medical Center and the employee will then be screened for a possible post-exposure treatment program.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 3.11 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supercedes Department Instruction 3.11, dated June 5, 2003.

I. PURPOSE

The purpose of this Instruction is to establish the policy and procedure for reporting elder and dependent abuse, to provide for the needs of those adults, and to provide proper investigation and protection when abuse, neglect or abandonment is suspected.

The Escondido Police Department recognizes its responsibility to protect all members of our community. When situations involving the abuse and neglect of the elderly are discovered, it is our responsibility to intervene.

California law states that crimes committed against elders and dependent adults are deserving of special consideration and protection, not unlike those considerations for minor children. Elders and dependent adults may be confused, on various medications, mentally or physically impaired, or incompetent. They may be less able to protect themselves, to understand or report criminal conduct, or to testify in court proceedings on their own behalf.

All people have a right to be free from abuse and neglect. Many of these victims are often reluctant to report the abuse for a variety of reasons. It may be that their well being depends upon you to recognize and report suspected abuse.

If you know or suspect abuse or neglect, it is important for you to take action to stop it. There are other agencies that can assist you in these efforts.

II. DEFINITIONS

- A. "Elder" means any person 65 years of age or older.
- B. "Dependent adult" means any person, residing in this state, between the ages of 18 and 64, who has physical or mental limitations which restrict 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 and includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility.
- C. "Caretaker" means any person who has the care, custody or control of, or stands in a position of trust with, an elder or dependent adult.

- D. "Physical abuse" means the infliction of physical assault, unreasonable physical constraint, and/or sexual assault.
- E. "Other abuse" means and includes neglect, self-neglect, abandonment, theft or financial exploitation by means of a threat or embezzlement, and mental suffering.
- F. "Long-term care facility" means any skilled nursing home, intermediate care facility, adult daycare, community care, and residential care (licensed or unlicensed) or any acute care facility (hospital) or adult day health care.

III. TYPES OF ELDER ABUSE

A. Physical Abuse

- 1. Assault and battery
- 2. Assault with a deadly weapon
- 3. Unreasonable physical/chemical restraint
- 4. Prolonged deprivation of food and water
- 5. Sexual abuse

B. Psychological Abuse (Mental Suffering; P.C. 368c)

C. Financial (Fiduciary) Abuse

D. Neglect

The negligent failure of any person having the care or custody of an elder or dependent adult to exercise that degree of care which a reasonable person in a like position would provide.

E. Self-Neglect

- 1. The failure to provide the needs specified in neglect due to:
 - a. Ignorance
 - b. Illiteracy
 - c. Incompetence
 - d. Mental limitation
 - e. Substance abuse
 - f. Poor health

IV. POLICY

It is the policy of this Department to thoroughly investigate suspected dependent adult/elder abuse cases in a timely manner.

V. INVESTIGATION

The preliminary investigation is the beginning of an important and often complex process that will ultimately determine whether dependent adult/elder abuse has occurred and, if so, the adequacy of the protection of the victim and the strength of the case in prosecuting the perpetrator. In most cases, the first responding police officer will conduct this investigation.

There are several important steps and factors to consider in a preliminary investigation:

1. Assess the situation and initiate the appropriate responses. The first consideration of the responding officer should be obtaining medical assistance if necessary.
2. Serious or complex cases will require notification of an investigative supervisor or the Watch Commander.
3. Locate, contact, and separately interview all victims and witnesses. However, in serious cases where a detective is responding, the officers should not conduct a victim interview unless directed to do so by the responding detective.

VI. EVIDENCE

As in all crimes, collecting evidence is fundamental. Officers should document/photograph the scene and collect physical evidence related to the incident. In serious or complex cases, the officer should request a response from the crime lab or Field Evidence Technician.

VII. MANDATORY REPORTING REQUIREMENTS

A. Mandated reporting

Welfare and Institutions Code sections 15630-15632 mandate that certain individuals must report any abuse or suspected abuse of elders or dependent adults. Mandated reporters shall make a report whenever the mandated reporter in his/her professional capacity or within the scope of his/her employment:

1. Has knowledge of or observes abuse or neglect;
2. Is told by an elder or dependent of abuse or neglect; or
3. Reasonably suspects abuse or neglect. (W&I 15630).

B. Who is a mandated reporter? (W&I 15630(a))

1. Any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation
2. Administrators, supervisors and any licensed staff of a public or private facility that provides care or services for elder or dependent adults
3. Elder or dependent adult care custodian
4. Health practitioner
5. Clergy member
6. Employee of the Adult Protective Services agency
7. Law enforcement
8. All officers and employees of financial institutions

C. Failure to report

The law provides that care custodians, health practitioners, or employees of adult protective services agencies or local law enforcement agencies shall not incur either civil or criminal liability for any report they are required or permitted to make under this law; however, failure to report is a misdemeanor (W&I 15630(h)).

VIII. PROCEDURE

Reports must be made immediately, or as soon as possible, by telephone to either the long-term care ombudsman coordinator, when the alleged abuse has occurred in a long-term care facility (e.g., board and care, residential care, intermediate care, or skilled nursing facility); or to Adult Protective Services, when the abuse is alleged to have occurred anywhere else.

A. Ombudsmen

Ombudsmen are trained individuals who advocate for the protection and rights of residents in long-term care facilities. These facilities include skilled nursing facilities, residential care facilities, and intermediate care facilities. The primary responsibility of the ombudsman program is to investigate and resolve complaints made by, or on behalf of, individual residents.

If abuse occurred in a long-term care facility, call the Long Term Care Ombudsman at (800)-640-4661

B. Adult Protective Services

1. Complete and submit the Report of Suspected Adult Abuse (SOC 341).

2. Mandated reporters shall report by telephone or the confidential internet reporting tool immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an internet report shall be made within two working days. This can be completed by calling the Department of Social Services Adult Abuse Reporting Line at (800) 510-2020 and then faxing the SOC 341 report to (619) 344-8077. All cross reports must be submitted prior to the officer's end of shift.
3. Mandated reporters are able to report suspected elder or dependent adult abuse online through the following URL:

<https://sandiego.leapsportal.net/LEAPSIntake/NewPublicIntakeReport.aspx>

Users of the online system will need to register when they first use the link and the County Aging & Independence Services will need to approve the account. Online users will not need to call in an initial report or send a follow-up written report.

C. Upon receiving a report of adult abuse, the Department of Social Services will:

1. Evaluate if the situation is appropriate for:
 - a. DSS/Adult Protective Services
 - b. Another public agency; e.g., Ombudsman
 - c. A private agency.
2. Refer the case immediately to the appropriate agency.
3. Accept the report, indicating only that:
 - a. The situation has been resolved, and there is no further need for services; or
 - b. Services are being provided by the reporting agency; or
 - c. The reporting agency has referred to another agency that will provide services.

D. Confidentiality

The identity of all persons who report shall be confidential and disclosed only between adult protective services agencies, local law enforcement agencies, long-term care ombudsman coordinators, licensing agencies or their council, the district attorney in criminal prosecution or upon waiver of confidentiality by the reporter, or by court order.

IX. REPORTING IN NON-CRIMINAL SITUATIONS

The best prevention is to recognize situations where there is the potential for an elder to become victimized and intervene before it happens.

The County of San Diego, through its Aging and Independence Services, provides a variety of services throughout the county.

APS may also be contacted to report non-criminal situations using the hotline number and an APS worker will be assigned to respond and provide an assessment. APS workers are a resource for additional information to aid in criminal investigations, including records of prior reports or allegations and the name and phone number of caseworkers assigned.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-23-20	NO: 3.12 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: GANG DOCUMENTATION AND INTELLIGENCE FILES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 3.12, dated September 13, 2019.

I. PURPOSE

The purpose of this Instruction is to establish the procedure for the documentation and registration of gang members and the maintenance of criminal intelligence files. The Escondido Police Department's policy will reflect the CAL-DOJ regulations effective October 1, 2020.

II. POLICY

The existence of criminal street gangs has a significant negative impact on our community. Criminal street gangs engage in violent crime, theft, drug trafficking, extortion and vandalism.

It is the mission of the Escondido Police Department's Gang Unit to meaningfully reduce gang membership and gang violence through ethical investigations and documentation practices, collaborative prevention efforts, and the suppression of gang activity.

The collection, analysis, and maintenance of criminal intelligence files documenting criminal street gangs, gang members, and information related to gang activity is a necessary feature in support of that mission.

It is the policy of the Escondido Police Department to adopt and adhere to the Fair and Accurate Gang Database Act of 2017 in accordance with California Penal Code sections 186.34 & 186.35.

III. DEFINITIONS

- A. A "criminal street gang" is defined in Penal Code §186.22(f) as an ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts listed in Penal Code §186.22(e). The group has a common name, or a common identifying sign or symbol and its members, individually or collectively, engage in, or have engaged in, a pattern of criminal activity.
- B. A "gang member" is defined as anyone who actively participates in a criminal street gang.

- C. A “gang-related offense” is defined as a criminal act committed for the benefit of, at the direction of, or in association with a criminal street gang.
- D. “CalGang” is a shared computer database that is administered and overseen by the California Department of Justice. It is designed to electronically share information on criminal street gangs and gang members solely for investigative purposes.
- E. A “gang injunction” is a court order prohibiting named defendants from committing specific acts within certain geographical areas referred to as “safety zones”.
- F. The Street Terrorism Enforcement and Prevention (STEP) Act is found within Title 7, Chapter 11 of the California Penal Code. This act addresses most of the relevant gang statutes.

IV. MAINTENANCE OF GANG INTELLIGENCE FILES

- A. A criminal intelligence filing system of “gang intelligence files” will be maintained within the Special Investigations Division - Gang Unit. The gang intelligence files will contain information on known criminal street gangs and gang members. Access to the gang intelligence files will be limited to professional staff, officers, and detectives assigned to the Gang Unit, the Gang Unit sergeant, and the Special Investigations Division commander. Limited access by other personnel may be authorized by the Gang Unit sergeant or the Special Investigations Division commander. Gang Intelligence files will be kept in a secure location to prevent unauthorized access in accordance to DOJ requirements.
- B. The gang intelligence files will be maintained as an investigative file designed to meet the requirements of Penal Code section 13826.4(c) to include: (1) identification of active gang members who have exhibited a prior criminal background; (2) identification of evolving or existing crime patterns that are gang related; (3) providing investigative leads; and (4) maintaining statistical information pertaining to gang-related criminal activity.
- C. All criminal street gangs and gang members found within the gang intelligence files will be input in the “CalGang” database. Proper maintenance of the “CalGang” database is the responsibility of the Gang Unit sergeant. Audits will be conducted by the Special Investigations Division commander or by a designee of the Chief of Police to ensure the gang intelligence files are in compliance with all applicable laws and Department policy. If an internal/self-audit is done, DOJ must be notified within 30 days of the results using a DOJ gang audit form.
 - 1. Records must be deleted if:

Supporting documents are missing/incomplete, record is not in compliance, or intelligence was obtained in violation of law. The Gang Unit sergeant may delete the agency’s own entries for any reason. Agency must notify other agencies about record deletion within 10 days.

2. At least once every three years from the date a criminal street gang was designated in CalGang, or from the last time an audit was conducted, the gang unit sergeant must complete an audit of that criminal street gang in the database and notify DOJ within 30 days of the results.
- D. Copies of the gang injunctions existing court orders will be maintained within the gang intelligence files, along with proof of service of all defendants listed within the gang injunction order. Any modifications required by law of existing gang injunctions will be completed in a timely manner.
- E. Individuals required to register as gang members pursuant to Penal Code §186.30 will be registered by a Gang Unit detective or a designee. A separate file of persons required to register as gang members will be maintained within the gang intelligence files.

V. DOCUMENTATION OF CRIMINAL STREET GANGS AND GANG MEMBERS

- A. The existence of a criminal street gang will be documented by a Gang Unit detective through the completion of a “Gang Summary and Predicate Offense Report”. This report will be maintained within the gang intelligence files. The report will be reviewed and amended as needed by a Gang Unit detective and submitted for supervisory review, an attestation letter and approval. The report will minimally contain:
 1. The name and general history of the gang.
 2. The estimated number of members of the gang.
 3. The geographical territory or “turf” (if any) that is claimed by the gang.
 4. The “predicate offenses” used to establish the fact the gang is engaged in an ongoing pattern of criminal activity as defined by the Street Terrorism Enforcement and Prevention (STEP) Act.
- B. The identification of an individual as a gang member will be documented by a Gang Unit detective. The documentation process will minimally include the following:
 1. The creation of a Gang Documentation Card.
 2. Entering a documented member into the Officer Notification System (ONS).
 3. Entering a subject record within the CalGang database.
- C. Individual files will be maintained within the gang intelligence files and will be routinely reviewed and amended in accordance with DOJ guidelines.

- D. In order for an individual to be documented as a gang member, that individual must meet a minimum of criteria established by CalGang. Per CalGang, an individual may be documented as a gang member utilizing any two of the following criteria (with the exception of DRESS and GANG AREA):
1. Self-Admitted - The person has voluntarily admitted to being an active member of an active criminal street gang under circumstances that do not undercut truthfulness.
 2. Arrested for a Gang-Related Offense - The subject has been arrested for offenses consistent with usual gang activity. Past arrest(s) cannot be used.
 3. Reliable Source - The subject has been identified as a gang member by a reliable informant/source.
 - a. Cannot be based on Jail Classifications, a person under 18, rival gang member, untested informant or the LEO completing the interview/source document.
 4. Associates Gang - The subject has been seen associating with documented gang members.
 - a. Must be seen together, association must be documented in CalGang, circumstances, and reasoning the affiliation is gang related. Family and outreach workers DO NOT meet criteria unless reasonable suspicion exists showing a contribution to criminal activity.
 5. Gang Hand Signs/Symbols - The subject has been seen by a law enforcement officer displaying gang symbols and/or hand signs.
 6. Frequents Gang Area - The subject has been seen frequenting gang areas.*See below note.*
 7. Gang Dress - Law enforcement observed person wearing one or more items of clothing and/or colors that they believe is tied to a specific and active criminal street gang. (See below note* under #8 of this section.)
 8. Gang Tattoos - The subject is known to have gang tattoos. A law enforcement officer has observed the person having one or more tattoos, marks, scars, or brandings indicating criminal street gang membership or association.
 - a. An unmodified tattoo/mark/scar/branding/ cannot be used more than once for documentation criteria unless:
 - 1) It was displayed publicly for intimidation or,
 - 2) It has been modified since it was last used as criterion.

*NOTE: As of October 1, 2020, CalGang requires one (1) additional criterion if either GANG DRESS and/or FREQUENTS GANG AREA is used. If those criteria are used, a total of three (3) criteria must be fulfilled to be documented per DOJ.

EXAMPLE: John Doe is seen in Washington Park at 11pm wearing a Detroit Tigers hat and is associating with a documented Diablos gang member. Per DOJ and Department Policy, an additional criterion would be needed to lawfully document Doe and enter him into CalGang due to GANG DRESS and FREQUENTS GANG AREA being used in association with GANG ASSOCIATION.

- E. Social media criterion must be carefully evaluated if used as documentation criterion. Authorized personnel need to evaluate context, frequency of posts, corroborating intelligence, certainty of the identify in the posting/photo prior to documenting.
- F. In accordance with DOJ regulations, a person cannot be entered in CalGang based on basic criteria alone. Law Enforcement must also justify reasonable suspicion prior to documenting a person and entering them into CalGang. These entries will be done by a Gang Detective or authorized personnel in the Gang Unit.
- G. Additional criteria on an existing documented person: In order to extend a person's purge date, two criteria (unless gang dress and gang area are used/then three criteria) must be documented within one year of each other.
- H. It is the policy of the Escondido Police Department that, out of an abundance of caution, an individual will not be documented as a gang member unless three of the above criteria are documented over a minimum of two separate occasions (except as outlined in subsection (K) below).
 - 1. The same criterion may be listed twice if the entries are substantively different. For example, two different gang tattoos would be considered two separate criteria. Similarly, a subject arrested on two different occasions for offenses consistent with gang activity would also satisfy two separate criteria.
- I. No person may be documented as a gang member without the approval of the Gang Unit sergeant, indicated by his or her signature on the Gang Information Card.
 - 1. As of October 1, 2020, every new entry (Gang or Person) into CalGang MUST have an attestation letter signed by the Gang Unit supervisor per DOJ. This ensures all the criteria is authentic and lawful.
- J. No person under the age of 13 can be documented and entered into CalGang.

- K. In the rare circumstance where the public interest would be best served by documenting a gang member utilizing the CalGang documentation standard, the Gang Unit sergeant will be required to seek the approval of the Special Investigations Division commander. The Special Investigations Division commander's approval will be indicated by their signature on the Gang Information Card.
- L. An individual gang file will be purged in the event there has been no documented gang activity over a period of five consecutive years.
- M. Though CalGang allows for the documentation of gang associates, it is the policy of the Escondido Police Department that, out of an abundance of caution, an individual will not be documented as a gang associate in the CalGang database.

VI. WRITTEN NOTICE OF DOCUMENTATION TO GANG MEMBERS

- A. Pursuant to Penal Code §186.34(c)(1), prior to documenting a person as a gang member, the Gang Unit sergeant will provide written notice to that person informing them of their designation as a gang member and the basis for the designation. If the person is a juvenile, written notice shall be provided to the juvenile and his/her parent or guardian.
 - 1. The written notice shall describe the process for the person or, if the person is under 18 years of age, for his/her parent or guardian, or for an attorney working on their behalf, to contest the designation as a gang member. The notice shall inform the person of the reason for his or her designation as a gang member.
- B. The Gang Unit sergeant will not be required to provide written notice of documentation if doing so would compromise an active investigation or compromise the health and safety of the juvenile. If the Gang Unit sergeant does not provide written notice of documentation, the reason will be stated in the individual gang file.
- C. Pursuant to Penal Code §186.34(e), a person who has been documented as a gang member or, in the case of a juvenile, his/her parent or guardian, may submit written documentation to the Escondido Police Department Gang Unit contesting the designation as a gang member.
 - 1. All written appeals will be submitted to the Special Investigations Division commander who will review the documentation and determine whether or not the designation as a gang member will stand.
 - 2. The Special Investigations Division commander shall provide the person or, if the person is under 18 years of age, his/her parent or guardian, with a written verification of his/her decision within 30 days of receiving the documentation contesting the designation. If the Special Investigations Division commander

denies the request for removal from the shared database, the verification shall state the reason for the denial.

3. If the Special Investigations Division commander does not provide the written verification within the required 30-day period, the request to remove the person from the shared database shall be deemed denied. The person or, if the person is under 18 years of age, his/her parent or guardian, or an attorney working on their behalf, may petition the court to review the Department's denial of the request for removal and order the Department to remove the person from the shared gang database pursuant to Penal Code §186.35.

VII. CONFIDENTIALITY OF GANG INTELLIGENCE FILES

- A. The gang intelligence files are confidential intelligence files and are not public record. As such, gang intelligence files are not subject to public disclosure under Government Code §6254(f). A gang intelligence file may not be removed from the Gang Unit office without the express permission of the Gang Unit sergeant or the Special Investigations Division commander.
- B. When a summary of gang contacts is needed for case support or prosecution, a Gang Unit detective will prepare a Gang Information Report. Gang Unit detectives may provide Gang Information Reports to the following:
 1. Other law enforcement officers when Escondido gang members commit gang-related crimes in other jurisdictions.
 2. The Escondido City Attorney's Office or San Diego County Counsel.
 3. State and Federal prosecutors.
- C. In serious felony investigations, Gang Unit detectives may prepare a Gang Information Report for other detectives within the Investigations Bureau. This is especially valuable in instances where gang members have committed felony crimes and have fled the state to avoid prosecution and there is a possibility that an individual gang file will purge prior to the suspect's capture. In those instances, the Gang Information Report will be preserved as a part of the investigative file.

VIII. DOCUMENTATION OF GANG-RELATED OFFENSES AND CONTACTS

- A. All reports of suspected gang-related offenses shall be forwarded to the Gang Unit for appropriate disposition and/or assignment. Each report will be identified as gang-related by selecting option 19- Potential Gang Motivated, and/or option 62- Potential Gang Involved under MEANS within the ADMINISTRATIVE tab in NetRMS. Additionally, a specific offense may be designated as "Gang-Related" under the OFFENSES tab in NetRMS.

- B. All field interviews of known or suspected gang members and associates shall have “GANGS” marked at the top of the field interview card. Within the narrative portion of the field interview, the reporting officer should document the reason he/she believes the person being interviewed is related to a criminal street gang.
- C. Regardless of the disposition or the specific offense, all suspected reports of gang-related offenses will be forwarded to the Gang Unit for analysis and, if appropriate, entered into the gang intelligence files and CalGang database.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION		DATE: 10-07-20	NO: 3.14 INVESTIGATIONS
TO:	ALL PERSONNEL	SUBJECT: MAJOR CRIME PROTOCOL	
ORIGIN:	CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 3.14, dated December 09, 2016.

I. INTRODUCTION

The examination and exploration of any major crime is a profound duty that requires a deep understanding of the dynamics and principles of a professional investigation. Investigators who are entrusted with such a duty must have a basis for their work and a standard which they strive to achieve. This major crime protocol is not a method of how to investigate crimes, but rather an outline of procedures to effectively and efficiently lead, manage, and supervise these investigations.

II. PURPOSE

The purpose of this policy is to establish mandatory procedures for the investigation of major crimes.

III. DEFINITION

A major crime is defined as any significant incident which will require a considerable amount of personnel, resources, and time to fully investigate. Major crimes include, but are not limited to, homicides, officer involved shootings resulting in death or serious bodily injury, an assault on an officer which causes serious injury to the officer, forcible rapes by strangers, kidnappings by strangers where the victim has not yet been located, or any other crime or crime series which results in substantial physical injury or property damage to the victim(s).

IV. INVESTIGATIVE RESPONSIBILITY

The Investigations Division is responsible for conducting the investigations of incidents designated as major crimes.

V. INITIAL RESPONSE

The first available detective or detective sergeant will respond directly to the crime scene for a briefing from the primary patrol officer or patrol supervisor. The patrol supervisor or first detective on scene should utilize the major crime scene field notes (Addendum A) to assist in gathering important information related to the investigation. This first responding member of the Investigations Division should immediately:

- A. Assess critical evidence needs and take steps to prevent the loss or destruction of evidence.
- B. Direct any urgent follow-up which is appropriate to locate the suspect or prevent further harm to the victim.
- C. Determine personnel needs and ensure that they are met.

VI. INITIAL INVESTIGATIONS DIVISION BRIEFING

Additional investigative personnel should respond to a location designated by the unit supervisor to receive a comprehensive briefing. This briefing should be given by the primary responding patrol officer, the involved patrol supervisor, and the first responding member of the Investigations Division.

VII. INVESTIGATIVE STRUCTURE

- A. The Investigations lieutenant will have the overall responsibility for managing the investigation.
- B. A specific unit sergeant (COV, FPU, COP, GIU or SIU) will be given the responsibility of supervising the overall investigation. This sergeant will assume the position of investigative supervisor and report directly to the Investigations lieutenant.
- C. The other supervisors/team leaders will be subordinate to the investigative supervisor and report directly to them.
- D. The structure of the investigation will be divided into four main components:
 - 1. Investigative follow-up.
 - 2. Crime scene security.
 - 3. Evidence collection.
 - 4. Witness checks.
- E. The Investigations lieutenant or investigative supervisor will ensure the proper personnel are assigned to each component. The duties within each component will include, but are not limited to, the following:
 - 1. Investigative Follow-up
 - a. Primary responsibility is to manage case investigation (interviews, search warrants, decision to arrest, etc.).

- b. Ensure that the needs of the primary investigators in regard to the collection and processing of evidence are met.
- c. Ensure that an investigator is assigned to review all initial phone calls to the police department and the CAD printout.
- d. Direct the gathering of intelligence.
- e. Direct development of an apprehension plan, if applicable.
- f. Station logistics (witness supervision, etc.).
- g. RMS report verification.
- h. District attorney liaison, if appropriate.
- i. Liaison with investigative supervisor to share information when appropriate.
- j. Evaluate and coordinate the response of FSU.
- k. Evaluate and coordinate the response of CIU, if applicable.

2. Crime Scene Security

- a. Ensure crime scene security.
- b. Ensure crime scene log is properly maintained.
- c. Responsible for personnel logistics.
- d. Liaison with investigative supervisor prior to ending scene security.

3. Evidence Collection

- a. Determine personnel needed.
- b. Prioritize assignments/scenes.
- c. Supervise overall collection and processing.
- d. Ensure communication flow with investigative supervisors.
- e. Responsible for personnel logistics and security.
- f. Liaison with investigative supervisor prior to release of scene.

4. Witness Checks

- a. Brief personnel on information needed.
- b. Direct witness checks, including areas to be canvassed.
- c. Maintain log of areas checked (See addendum B.).
- d. Arrange for the transfer of any primary witnesses.
- e. Ensure communication flow with investigative supervisors.
- f. Ensure that the witness check is completed (following day, week, etc.).
- g. Liaison with investigative supervisor prior to ending the witness checks.

VIII. COMMUNICATION

The flow of information is essential to a successful investigation. The investigative supervisor will be responsible for ensuring that information is shared with the appropriate personnel as soon as it is developed.

IX. SUBSEQUENT BRIEFINGS

After the initial briefings of the responding Investigations Bureau personnel, additional briefings will be scheduled as follows:

- A. During the initial investigation, while the crime scene is still being processed, supervisor briefings should be held whenever the investigative supervisor or the Investigations lieutenant deems appropriate.
- B. Prior to releasing the crime scene, the investigative supervisor will consult with both the primary assigned investigators and other appropriate personnel. No crime scene will be completely vacated by police personnel until this is done, and only upon the authorization of the investigative supervisor.
- C. A final briefing will be held for all involved personnel prior to securing the initial investigation. During this briefing, appropriate assignments will be given, a time will also be set for the next briefing, and personnel directed to attend will be notified. *(A representative from the Forensic Services Unit who participated in the initial crime scene processing is essential to the investigation and should be present at this and all subsequent briefings).*
- D. At subsequent briefings, this briefing assignment log (Addendum C) will be continuously updated, to include new tasks, priorities, and due dates, by the investigative supervisor.

- E. Briefings will continue to be held as necessary to ensure the investigation is proceeding efficiently and any new information is being properly disseminated. Regular briefings will be conducted until the investigation is completed and forwarded to the District Attorney's Office or departmentally closed.

X. INTERVIEW PROCEDURE

- A. Whenever possible, field interviews of witnesses should be audio or video (BWC) recorded. This is especially important when dealing with hostile witnesses or those who may be expected to possibly change their account at a later time.
- B. Formal interviews of police employees conducted at the police station should also be audio recorded.
- C. Whenever possible, interviews of all suspects and witnesses conducted at the police station should be video recorded.
- D. Interviews of minors suspected of PC 187 must be electronically recorded per PC 859.5.
- E. Whenever interviews are transcribed, the appropriate investigator shall review and make changes as necessary. This investigator will then initial and date the final approved copy.

XI. REPORT PROCEDURES

- A. The primary patrol supervisor will designate a patrol officer to complete the initial crime case.
- B. All other involved patrol personnel, including supervisors, and any other non-investigative personnel who participated in the initial investigation should complete an officer's report outlining their actions and any information relevant to the investigation.
 - 1. All of these reports should be completed prior to the end of their shift.
 - 2. All of these reports will be reviewed and approved by the assigned investigative supervisor.
 - 3. All reports generated by forensic technicians shall be verified by the COV supervisor.
 - 4. All reports generated by Investigations Bureau personnel will be reviewed and approved by the assigned Investigations Bureau supervisor.

- C. In those cases where an arrest has been made and reports must be forwarded immediately to the District Attorney's office for a criminal prosecution, the review and approval by the assigned investigative supervisor is sufficient.



ADDENDUM A

MAJOR CRIME SCENE FIELD NOTES

INCIDENT: _____ CP LOCATION: _____ CASE # _____

SUSPECT(S)	ARRESTS	DETENTIONS	FIELD SHOW-UPS
TOTAL # _____	# ARRESTED: _____	# CONDUCTED: _____	# CONDUCTED: _____
IN CUSTODY: _____	LOCATION: _____	# CURRENTLY DETAINED: _____	LOCATION: _____
DEAD: _____	POINT OF CONTACT: _____	LOCATION(S): _____	POINT OF CONTACT: _____
INJURED: _____	PHONE# _____	POINT OF CONTACT: _____	PHONE# _____
OUTSTANDING: _____	ADULT ☐ JUVENILE ☐	ADULT ☐ JUVENILE ☐	ADULT ☐ JUVENILE ☐

WITNESSES	VICTIM(S)	CRIME SCENE(S)
ESTIMATED # _____	# DEAD _____	HOW MANY? _____
# OF CRITICAL/SIGNIFICANT _____	LOCATION(S) _____	WHERE ARE THEY LOCATED? _____
LOCATION(S) _____	# INJURED _____ # UNINJURED _____	_____
WITNESS STAGING AREA: _____	LOCATION(S) _____	_____
POINT OF CONTACT: _____	EPD FD LIASON AT CP: _____	HAZARDS? _____
PHONE # _____	_____	CRIME SCENE LOG _____

NOTES:

EVIDENCE

ADDENDUM B



WITNESS LOG FIELD NOTES

Location of incident: _____

Case # _____

CODE

[HO] Heard only

[NA] No answer

[V] Vacant/ unoccupied

[F] Did not see/hear

[R] Ring video

ADDRESS	WITNESS CONTACTED	CODE	VIDEO "Y" "N"	COLLECTED "Y" "N"

WITNESS COORDINATOR: _____

PAGE: _____ OF _____

ADDENDUM C

MAJOR CRIME INCIDENT TASK LIST

DATE/TIME OF INCIDENT: _____

CASE #: _____



NO	TASK	DATE ASSIGNED	ASSIGNED TO	DATE COMPLETED	DISPO/SUMMARY
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
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22					
23					
24					
25					

LOCATION OF INCIDENT: _____

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-06-21	NO: 3.15 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: USE AND MANAGEMENT OF POLICE INFORMANTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 3.15, dated March 26, 2020.

I. PURPOSE

The purpose of this Department Instruction is to provide direction and guidance in the recruitment, use, and management of confidential informants. Informants are a valuable investigative resource when used properly and within policy. An informant is an asset of the Escondido Police Department and not of a specific officer, detective, or investigative unit. Although informants can be developed by officers, they are established by detectives only. Department personnel will use all reasonable lawful means to ensure an informant's identity remains confidential.

II. DEFINITIONS

- A. An "informant" is a person who, under the direction of a law enforcement officer, provides information or services to a law enforcement agency with or without expectation of compensation or consideration in a criminal case.
- B. A "source of information" is a person who provides information but is not an informant.
- C. Types of Informants
 - 1. Citizen Informant – An individual who provides information or services to law enforcement without expectation of financial reward or consideration in a criminal case.
 - 2. Mercenary Informant – An individual who provides information or services for financial reward.
 - 3. Defendant Informant – An individual who is a defendant in a pending criminal case who provides information or services in exchange for consideration in that case.
 - 4. Minor Informant – "A minor who participates, on behalf of a law enforcement agency, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the minor's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence

of illegal activity by a third party and where the minor is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the minor” (Cal. Penal Code § 701.5 (West)).

5. Restricted Use Informant – Any informant who meets the following criteria:
 - a. A person 12 years or younger cannot be an informant (Cal. Penal Code section 701.5(a)).
 - b. No peace officer or agent of a peace officer shall use a person under the age of 18 years as a minor informant, except as authorized pursuant to the Stop Tobacco Access to Kids Enforcement Act (Division 8.5 (commencing with Section 22950) of the Business and Professions Code) for the purposes of that act, unless the peace officer or agent of a peace officer has obtained an order from the court authorizing the minor's cooperation. (Cal. Penal Code section 701.5(b)).
 - c. Person formerly dependent on drugs, or currently participating in a drug-treatment program.
 - d. Former informants who were previously deemed “unreliable”.
 - e. Persons on active probation or parole.
 - f. Undocumented foreign nationals.

D. Informant Reliability

1. Reliable Informant – A “reliable informant” is a person who has provided law enforcement with corroborated information which has led to the seizure of contraband, the arrests of suspects, or accurate information regarding criminal activities.
2. Untested Informant – An “untested informant” is an informant who has yet to establish themselves as reliable. The information from an untested informant must always be corroborated and verified before taking enforcement action.

III. POLICY

A. General Policy

1. Informants will be formally established and managed by assigned detectives.
 - a. Management of informants does not preclude another detective from working closely with an informant. However, all administrative and

operational activities of any police informant will be overseen and managed by their assigned detective.

- b. Detectives who have not completed a Department approved informant management course shall not manage informants.
 - c. Informants should not be paired with other informants unless authorized by the SIU sergeant.
 - d. In all cases involving informants, if the SIU sergeant is unavailable, the SID Commander will have the authority to make any and all decisions and actions usually carried out by the sergeant.
2. The use of informants who become the subject of a criminal case will be suspended.
- a. Detectives may meet with and/or debrief their informant, but the informant will not be used operationally until approved by the SIU sergeant.
 - b. If there is any reason to believe that an informant or defendant informant has committed a felony, the appropriate District Attorney's Office shall be notified. The continued use of the informant will be determined by the SIU sergeant.
3. A person on formal probation or parole may be used as an informant upon written agreement with the Probation or Parole Department.
- a. The consent of the supervising probation officer or parole agent will be documented in an Informant Contact Report.

Note: The Parole Department will typically allow parolees to provide information, though not services, in their role as an informant. For an informant to provide services, they will usually have to be signed as an informant with the California Department of Corrections and Rehabilitations (CDCR) Special Services Unit (SSU).

- 4. A person formerly dependent on drugs, or currently participating in a drug-treatment program may be utilized as an informant with the approval of the SIU sergeant.
- 5. Informants who have been classified as unreliable shall not be utilized or reinstated without the approval of the SID Commander.

B. Informant Development

1. Potential informants must be in a position to assist the Escondido Police Department in a present or future investigation.
2. Informants are frequently recruited during suspect interviews or through other law enforcement contacts. Patrol officers, probation officers, and parole agents will often have interactions with potential sources that can be developed into informants.
3. Informants may be recruited despite having pending cases, though this will require the concurrence and assistance of the District Attorney's Office. A formal request in the form of a "Lieutenant or Above Letter" is needed to initiate the process.
4. Informants who are witnesses in a pending case may be recruited with the concurrence and assistance of the District Attorney's Office.
5. A sergeant shall approve the establishment of an informant prior to a detective initiating the informant establishment process.
6. Detectives who establish an informant will prepare an Informant File consisting of a background check and the completion of various documents (outlined below).

C. Informant Establishment / Background Checks

The informant file initial background package will consist of the following checks/documents:

1. Local Records Check- RI01
2. Local Warrants Check- MA09
3. Pending Cases- DA09
4. CII Criminal History
5. FBI Criminal History
6. NCIC Warrants/TRO/Weapons
7. Driver's License Status
8. ARJIS/CopLink Check
9. LECC Inquiry

D. Informant Establishment

The informant file will include the completion and/or signing of the following documents:

1. Informant Establishment Checklist
2. Personal History Form (with photograph)
3. Signature Exemplar
4. Informant Regulations Sheet
5. Informant (Mercenary) Addendum
6. LECC Restricted Access Form

E. Informant File Management

1. All new informant files shall be submitted to the SIU sergeant for initial review. Upon that sergeant's approval, the file will be submitted to the SID Commander for final approval. If approved, the informant (and the informant file) will be given an informant number.
2. Informant numbers shall be assigned with the following format:
XX (Last 2 Digits of Year) - SID - XXX (Assigned Number)
Example: 19-SID-001
3. Informant files shall be organized as follows:

Section 1 - Establishment Checklist with CORI Information

Section 2 - Informant Personal History Form with Establishment Documents

Section 3 - Payment Log

Section 4 - Informant Contact Reports (detailed debriefings with attached payment vouchers as appropriate)

Section 5 - Informant Contact Reports continued
4. All informant files shall be maintained behind a locked door and within a locked cabinet or safe with access limited to the SIU Supervisor and the SID Commander.

5. Detectives and all other police personnel shall not maintain nor save any computer generated forms containing confidential informant information. This includes, but is not limited to, saved computer documents, hard drives, thumb drives, etc.
6. Forms generated on a computer shall be sanitized of all information (e.g., names, phone numbers, dates, times, locations, etc.) that could potentially lead to the identity of a confidential informant.
7. Informant files shall be audited each January by the SID Commander.
8. An updated background check for each active informant should be conducted at a minimum of once a year (December) and whenever there is a question of possible criminal activity/involvement. The updates shall be reviewed by the SIU sergeant. Based on the updated background checks, the sergeant will determine whether or not the informant remains active.
9. Inactive informants shall be deactivated.

F. Informant File Classification

1. Informant files will be classified as Active or Inactive.
2. An Active File is one in which the informant is currently operational.
3. An Inactive File is one in which the informant is not currently operational.
4. Inactive Files are easily reclassified as Active. If an inactive informant becomes operational, the managing detective can reactivate the informant by reestablishing the informant (as outlined in Section III, Subsections C and D above) using the same informant number previously assigned.

G. Informant File Retention

1. In accordance with Escondido City Resolution No. 2016-32, all physical informant files will be permanently retained in secure storage within the SID.

H. Protecting Informant Identity

1. All police personnel shall use all reasonable lawful means to ensure an informant's identity remains confidential.
 - a. As part of the informant establishment process, informants will be advised that the Department cannot guarantee their identity will be protected, as they will be utilized in providing information and evidence.

2. As detailed in Escondido Police Department Instruction 1.51, it is the discretion of the informant's assigned detective or a sergeant to determine the appropriateness of recording an informant.

I. Informant Contacts and Communications

1. Detectives shall notify their immediate supervisor prior to every meeting with an informant.
2. Two detectives shall be present for all informant contacts. A sergeant may authorize an officer to substitute for one detective. There is generally no reason for a detective to meet with an informant by themselves. Such a meeting can only take place with the approval of the SID Commander.
3. Contact with informants shall be carried out in a respectful manner and remain strictly professional in nature. Detectives shall not interact with informants in any social or business contexts that are not directly related to a police investigation.
4. Detectives/officers shall minimize informant access to Escondido Police Department facilities, operations, activities, and personnel.
5. An informant and his/her vehicle shall be thoroughly searched for contraband and weapons before and after use in an undercover operation that involves either official funds, controlled drugs, or anything else of potential evidentiary value. When possible, informants shall be kept under continuous observation throughout the operation.
6. An informant shall sign a SID Payment Voucher prior to receiving official funds for use in an undercover encounter, when compensated for information or services, or for use during controlled purchases, even if the purchase does not occur.
7. Detectives shall thoroughly document all information obtained from their assigned informant in an Informant Contact Report.
8. Detectives shall submit Informant Contact Reports to their direct supervisor for approval by the end of the work week. These reports will be made a permanent part of the Informant File.
9. Approved Informant Contact Reports (and any related attachments, i.e., Payment Vouchers, Deactivation Forms, Informant Updates, etc.) shall be given to the Special Investigations Unit (SIU) sergeant, who will be responsible for placing the document(s) in the Informant File. In the SIU

sergeant's absence, the documents will be placed in the Informant File by the SID Commander.

J. Other Informant Contact Considerations

1. Detectives should attempt to use the same personnel with each meeting to limit the informant's exposure to other personnel, vehicles, and locations within or associated with the Department.
2. Officers/detectives should not discuss other informants or unrelated investigations with an informant.
3. Officers/detectives should be cautious when discussing guarantees or making promises regarding payment, protection, relocation or other considerations.

K. Unreliable Informants

1. An unreliable informant may be classified as unreliable through LECC and WSIN under the following circumstances:
 - a. Endangers the life of a law enforcement officer.
 - b. Intentionally provides false or misleading information to a law enforcement officer.
 - c. Reveals the existence of an investigation to the target element.
 - d. Uses their association with the Department or informant status to further their own criminal agenda.
2. The rationale for classifying an informant as unreliable shall be documented on an Informant Contact Report and shall be reviewed by a sergeant. The ultimate authority for listing an informant as unreliable resides with the SID Commander.
3. If an informant is classified as unreliable, that informant's official status shall be terminated and the assigned informant handler shall notify LECC.
4. If an informant is classified as unreliable, the assigned detective shall notify any prosecutor with a pending case involving the informant.

IV. LEGAL ISSUES RELATED TO INFORMANTS

California Evidence Code sections 1040-1042 address confidential information, informers, and the disclosure process. The Evidence Code provisions apply to informants and sources of information. Detectives/officers shall be familiar with the pertinent

Evidence Code sections and be prepared to claim the privilege for official information or the privilege for identity of informer at any hearing. The scope of the informer privilege includes protecting any information that could tend to disclose the informer's identity. In practice, the issues related to informant confidentiality are usually addressed in written motions and in camera hearings.

A. "Wall Stops"

1. A "Wall Stop" is a stop that is made for the purpose of seizing controlled substances, firearms, etc. that are associated with an ongoing investigation while simultaneously attempting to ensure the investigation and/or source of information is not revealed.
2. Officers/detectives should be aware that if they make a "Wall Stop", they may be questioned by the defense in court as to whether or not they had additional information prior to making the stop. If an officer/detective provides false testimony, even if in an attempt to protect an investigation or the identity of a confidential informant, they will have committed perjury.
3. Officers/detectives should be prepared to assert "the privilege under Evidence Code 1040 and 1041" to avoid exposing an investigation or an informant.

B. Brady Information

1. Due process requires the disclosure of evidence favorable to an accused person that is material either to guilt or to punishment. Evidence is favorable if it helps the defendant or hurts the prosecution. Exculpatory information is material if a reasonable probability exists that disclosure would make a difference in the outcome of a trial.
2. Because the duty to disclose may sweep more broadly than the prosecutor's personal knowledge, the duty carries with it an obligation to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police. As part of the prosecution team, police officers shall provide all information that might be relevant to the case. The duty to disclose material exculpatory evidence does not end with the trial or conviction.

Examples of Brady information include:

- a. An informant having provided false or misleading information in the past.
- b. An informant having prior convictions for perjury (Penal Code section 118(a)).

- c. An informant having prior convictions for providing false information (Penal Code section 148.9(a) or Vehicle Code section 31).
- d. Whether or not the informant was compensated.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 05-10-23	NO: 3.16 INVESTIGATIONS
TO: ALL PERSONNEL	SUBJECT: GUN VIOLENCE RESTRAINING ORDERS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This is a new Department Instruction.

I. PURPOSE

The purpose of this instruction is to establish policies and procedures relating to Gun Violence Restraining Orders.

II. DEFINITION

The following definitions are relative to this Department Instruction.

- A. A Gun Violence Restraining Order (GVRO) is an order, in writing, signed by the court, issued after notice and a hearing, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition for a period of time between one to five years.
- B. An Ex Parte Gun Violence Restraining Order (EP-GVRO) is a GVRO, issued ex-parte, which expires on the date the hearing is scheduled to determine if a GVRO should be issued. The hearing is typically scheduled within 21 days from the date the order is issued. An EP-GVRO is generally served at the same time as the notice of court hearing and is only valid and enforceable after the person named in the order has been served.
- C. A Temporary Emergency Gun Violence Restraining Order (TE-GVRO) is an EP-GVRO which may be issued orally or in writing and is available seven days a week, 24 hours a day. As with a standard EP-GVRO, a TE-GVRO is only valid and enforceable after the person named in the order has been served, and only until the hearing to determine if a GVRO should be issued.

III. BACKGROUND

There are two types of temporary GVROs which lead to the issuance of a permanent GVRO. The procedures for obtaining a temporary GVRO, that is an EP-GVRO and a TE-GVRO, initiate the process for scheduling and providing notice of the hearing to determine if a permanent GVRO should be issued. Both temporary GVROs and the permanent GVRO share similar conditions with varying degrees of standards that must be met prior to an order being issued.

The TE-GVRO takes care of an immediate and present danger. However, there are occasions where there is time to investigate and petition the court for an EP-GVRO during regular court hours. Such occasions may include a dismissed WIC 5150 hold

where the person is deemed dangerous but is not prohibited from owning or possessing firearms and the person's firearms are in police custody, or a criminal case where the charges were dropped or changed such that the person would not fall into a misdemeanor prohibited person category as enumerated in Penal Code section 29805.

IV. POLICY

- A. It shall be the policy of the Department to petition and serve GVROs in compliance with state law and to properly account for firearms and ammunition obtained pursuant to such orders. When feasible, the Department shall work with the City Attorney's Office to accomplish this end.
- B. The Department encourages the use of GVROs in appropriate situations to prevent future violence involving firearms. Officers shall consider the use of a GVRO during the following circumstances:
 - 1. During a domestic disturbance response to any residence which is associated with a firearm registration or record;
 - 2. During a response in which a firearm is present; or
 - 3. During a response in which one of the involved parties owns or possesses a firearm.
- C. It is the policy of the Department to prevent access to firearms by persons who, due to mental health issues, pose a danger to themselves or to others by owning or possessing a firearm.
 - 1. Officers should consider the use of a GVRO during a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person owns or possesses a firearm.
 - 2. Officers encountering situations in which there is 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 are encouraged to consider obtaining a mental health evaluation of the person by a medically trained professional or to detain the person for a mental health evaluation pursuant to Department Instruction 4.22, Mental Illness Evaluation Procedure.
- D. The use of a GVRO may be considered in other situations, including, but not limited to, situations involving threats of harm by use of a firearm, such as threats in the workplace or schools. Officers shall rely on their best judgment based on their training and experience when considering the use of a GVRO.

V. APPLICABLE LAWS AND STATUTES

- A. Division 3.2 of Title 2 of Part 6 of the Penal Code establishes a civil restraining order process to accomplish the purpose of a GVRO.
- B. Penal Code section 18205 makes it a misdemeanor to own or possess a firearm or ammunition with knowledge that he or she is prohibited from doing so by a TE-GVRO issued pursuant to Penal Code section 18135, an EP-GVRO issued pursuant to Penal Code section 18160, or a GVRO issued pursuant to Penal Code section 18180.

VI. CONDITIONS FOR A GVRO

- A. The following conditions must be met prior to requesting a GVRO:
 - 1. A person must pose a significant danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, ammunition, or magazine; and
 - 2. A GVRO is necessary to prevent personal injury to the person or another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances.
- B. In determining whether grounds for a GVRO exist, the court shall consider all evidence of the following:
 - 1. A recent threat of violence or act of violence toward themselves or another within the past six months.
 - 2. A violation of an emergency protective order issued for stalking or domestic violence that is in effect at the time the court is considering the petition.
 - 3. A violation within the past six months of an unexpired protective order issued for domestic violence, harassment, child welfare, and elder abuse.
 - 4. A conviction of any offense listed in Penal Code section 29805.
 - 5. A pattern of violent acts or violent threats within the past 12 months, including, but not limited to, threats of violence or acts of violence directed toward themselves or another.
- C. In determining whether grounds for a GVRO exist, the court may consider any other evidence of an increased risk for violence, including, but not limited to, evidence of any of the following:
 - 1. The unlawful and reckless use, display, or brandishing of a firearm.

2. The history of use, attempted use, or threatened use of physical force against another.
3. A prior arrest for a felony offense.
4. A history of violations of an emergency protective order issued for stalking or domestic violence.
5. A history of violations of a protective order issued for domestic violence, harassment, child welfare, and elder abuse.
6. Documentary evidence, including, but not limited to, police reports and records of convictions, of either criminal offenses within the past six months that involve controlled substances or alcohol or ongoing abuse of controlled substances or alcohol.
7. Evidence of recent acquisition of firearms, ammunition, or other deadly weapons.

VII. PROCEDURES FOR REQUESTING AND SERVING A TE-GVRO

- A. In accordance with Penal Code section 18125, a TE-GVRO may be issued on an ex parte basis only if an officer asserts, and a judicial officer finds, that there is reasonable cause to believe the danger is immediate and present.
- B. If the GVRO conditions listed above are met, an officer may seek a TE-GVRO. Officers shall consult with supervision and, when possible, the Department appointed designee on GVROs before seeking a TE-GVRO.
- C. To obtain a TE-GVRO, an officer must do the following:
 1. Complete a Gun Violence Emergency Protective Order (EPO-002).
 2. During regular court hours contact a judge through the Family Court Emergency Protective Order Hotline at (619) 844-2942. After hours, weekends, and holidays contact the on-duty judge through the duty judge cell phone at (858) 974-2493. This is a direct line and the judge should answer.
 3. Personally serve the order on the restrained person, if the restrained person can reasonably be located.
 - a. When serving an order verbally ask the restrained person if he or she has any firearm, ammunition, or magazine in his or her possession or under his or her custody or control as required by Penal Code section 18135(b).
 - b. When serving an order that indicates that the restrained person possesses firearms or ammunition request that all firearms and ammunition be immediately surrender as required by Penal Code section 18120(b)(2).

4. Impound any firearms, ammunition, and magazines surrendered in accordance with Department Instruction 1.54, Procedure for Impounding and Disposition of Firearms.
 5. Document the incident appropriately either as an officer report or as an additional narrative to a crime report.
 6. File a copy of the order with the court as soon as practicable, but no later than three court days, after issuance.
 7. Notify Dispatch to have the order entered into the California Restraining and Protective Order System (CARPOS).
 8. Provide a copy of the order and any notice of hearing received from the court to the City Attorney's Office as soon as possible.
 9. Follow the court standby procedures set forth in Department Instruction 1.19, Court Procedures and Subpoenas for the GVRO hearing.
- D. The TE-GVRO will be valid until the date the hearing is scheduled, typically within 21 days from the date the order is issued.

VIII. PROCEDURES FOR REQUESTING AND SERVING AN EP-GVRO

- A. In accordance with Penal Code section 18150, an EP-GVRO may be issued on an ex parte basis if a petition, supported by an affidavit made in writing and signed by the petitioner under oath, and any additional information provided to the court shows that there is a substantial likelihood that there is significant danger in the near future.
- B. If the GVRO conditions listed above are met, the Department shall work with the City Attorney's Office in seeking an EP-GVRO. Officers shall consult with supervision and, when possible, the Department appointed designee on GVROs before consulting with the City Attorney's Office.
- C. To obtain an EP-GVRO, an officer or the Department appointed designee must do the following:
 1. Document the incident appropriately either as an officer report or as an additional narrative to a crime report.
 2. Forward a case narrative and all supporting documentation setting forth the facts tending to establish the grounds for an EP-GVRO to the City Attorney's Office. The City Attorney's Office will review, and, if appropriate, complete all forms necessary on behalf of the Department.

3. Sign the petition and affidavit under oath on behalf of the Department. The City Attorney's Office will submit the petition to the court during regular court hours and an order shall be issued or denied on the same day.
 4. Personally serve the order on the restrained person, if the restrained person can reasonably be located. The City Attorney's Office will provide the documents to be served along with the Proof of Personal Service (GV-200).
 - a. When serving an order, verbally ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control as required by Penal Code section 18160(b)(3).
 - b. When serving an order that indicates that the restrained person possesses firearms or ammunition, request that all firearms and ammunition be immediately surrendered as required by Penal Code section 18120(b)(2).
 - c. When serving an order, inform the restrained person of the hearing scheduled pursuant to Penal Code section 18165 as required by Penal Code section 18160(b)(2).
 5. Impound any firearms, ammunition, and magazines surrendered in accordance with Department Instruction 1.54, Procedure for Impounding and Disposition of Firearms.
 6. Sign and return the Proof of Personal Service (GV-200) to the City Attorney's Office within one business day.
 7. Follow the court standby procedures set forth in Department Instruction 1.19, Court Procedures and Subpoenas for the GVRO hearing.
- D. The EP-GVRO will be valid until the date the hearing is scheduled, typically within 21 days from the date the order is issued.

IX. PROCEDURES FOR GVRO ORDER AFTER HEARING

- A. In accordance with Penal Code section 18175, a GVRO may be issued after notice and hearing if the court finds that there is clear and convincing evidence of the GVRO conditions listed above.
- B. The GVRO will be issued for a period of time between one to five years. In determining the duration of the GVRO, the court shall consider the length of time that the GVRO conditions listed above are likely to continue, and shall issue the order based on that determination.
- C. If a restrained person is not present in court at the time the order was issued, an officer shall personally serve the order on the restrained person, if the person can

reasonably be located. The City Attorney's Office will provide the documents to be served along with the Proof of Personal Service (GV-200). Sign and return the Proof of Personal Service (GV-200) to the City Attorney's Office within one business day.

X. PROCEDURES FOR REQUESTING AND SERVING THE RENEWAL OF AN EXPIRING GVRO

- A. In accordance with Penal Code section 18190, a GVRO may be renewed within three months before the expiration date, after notice and hearing, if the court finds by clear and convincing evidence that the GVRO conditions listed above continue to be true.
- B. If the GVRO conditions listed above continue to be true, the Department shall work with the City Attorney's Office in seeking a renewal of the GVRO. Officers shall consult with supervision and the Department appointed designee on GVROs before consulting with the City Attorney's Office.
- C. To obtain a renewal of a GVRO, an officer or the Department appointed designee must do the following:
 - 1. Forward a case narrative and all supporting documentation setting forth the facts tending to establish the grounds for a renewal of the GVRO to the City Attorney's Office. The City Attorney's Office will review, and, if appropriate, complete all forms necessary for a renewal of the GVRO on behalf of the Department.
 - 2. Sign the petition and affidavit under oath on behalf of the Department. The City Attorney's Office will submit the petition to the court during regular court hours.
 - 3. Personally serve the petition and notice of court hearing, if the restrained person can reasonably be located. The City Attorney's Office will provide the documents to be served along with the Proof of Personal Service (GV-200).
 - 4. Sign and return the Proof of Personal Service (GV-200) to the City Attorney's Office within one business day.
 - 5. Follow the court standby procedures set forth in Department Instruction 1.19, Court Procedures and Subpoenas for the GVRO renewal hearing.
- D. The renewal of the GVRO will be issued for a period of time between one to five years. In determining the duration of the GVRO, the court shall consider the length of time that the GVRO conditions listed above are likely to continue, and shall issue the order based on that determination.

- E. If a restrained person is not present in court at the time the order is renewed, personally serve the order on the restrained person, if the person can reasonably be located. The City Attorney's Office will provide the documents to be served along with the Proof of Personal Service (GV-200). Sign and return the Proof of Personal Service (GV-200) to the City Attorney's Office within one business day.

XI. PROCEDURES FOR THE SURRENDER AND RELEASE OF FIREARMS

- A. Authorized members of the Department shall accept any firearms, ammunition, and magazines from any person who is subject to a GVRO. The property shall be impounded in accordance with Department Instruction 1.54, Procedure for Impounding and Disposition of Firearms.
- B. Surrendered firearms or ammunition shall be retained until the expiration of the GVRO as required by Penal Code section 18120(c)(1).
- C. Upon expiration of an order, the firearms or ammunition shall be returned to the restrained person in accordance with Department Instruction 1.54, Procedures for Impounding and Disposition of Firearms, state law, and federal law.
- D. Firearms and ammunition collected under a search warrant shall be returned only with a court order as required by Penal Code section 1536.

XII. PROCEDURES FOR OBTAINING AND SERVING A SEARCH WARRANT FOR FIREARMS AND AMMUNITION

- A. If officers are not given consent to enter a dwelling to recover the firearms or ammunition, a search warrant must be obtained. Search warrant authorities include GVROs under Penal Code section 1524(a)(14).
- B. If a search warrant is deemed necessary, the officer shall consult with Investigations personnel in writing, obtaining, and serving the search warrant.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 10-20-21	NO: 4.1 PATROL
TO: ALL PERSONNEL	SUBJECT: RULES AND REGULATIONS GOVERNING ALL WATCHES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.1 Patrol, dated October 1, 2020.

I. PURPOSE

To establish general rules applying to all watches.

II. WORK HOURS

- A. Work hours for each shift will be established to meet the ongoing needs of the community and the Department.
- B. Employees shall arrive to work on time and be properly prepared for their work assignment.

III. CODE 7s and 10-10s (Meal Breaks)

- A. Code 7s should start after peak hours and should be staggered so as not to tie up multiple units at the same time. Code 7s shall not exceed 30 minutes. 10-10s shall not exceed 20 minutes.
- B. So as not to be out-of-service for an extended period of time, officers will advise dispatch of their Code 7 or 10-10 status immediately upon arriving at the location. This shall be done via CAD or the radio. At the conclusion of the break, officers shall go back into service.
- C. Only two marked police vehicles will be out-of-service at the same location at the same time. More than two units at the same location must have supervisor approval. This does not include the presence of a supervisor.
- D. No officer will leave the city limits during their tour of duty for breaks unless prior approval has been given by a supervisor.
- E. Code 7s and 10-10s shall be taken at public locations. Breaks taken at non-public locations (other than the officer's residence) must have the approval of a supervisor.
- F. For officer safety considerations, employees shall use an address (or ".A" designation) when providing the locations of their breaks unless otherwise approved by a supervisor.

IV. SECTORS / SCHEDULES

- A. Sector and beat assignments will be assigned by field sergeants with the approval of the Watch Commander. Patrol sergeants should check schedules in advance to anticipate staffing issues.
- B. The field sergeant shall provide the daily shift schedules (denoting assigned officers and call signs) to Dispatch immediately after briefing.

V. RETURNING TO THE POLICE FACILITY

Once officers are in service, they will not return to the police facility unless they are transporting a prisoner, booking evidence, or performing other work-related activities that cannot otherwise be performed in the field.

VI. TIME SHEETS / ACTIVITY LOGS

- A. Employees will complete their time sheets by Friday at 0800 at the end of the pay period. By 0900 hours, supervisors will verify the employee's timesheet is accurate and complete prior to approval.
- B. Overtime must be recorded on the time sheets and be approved by a supervisor on the date the overtime was accrued. Failure to have the approval of a supervisor may result in overtime not being paid.
 - 1. Time sheets will state the reason for the overtime (i.e., arrest, late report, etc.).
 - 2. For court overtime, place subpoenas in the subpoena bin in the Watch Commander's office.

VII. DAYS OFF

- A. Requests for days off should be made as far in advance as possible to anticipate potential staffing issues.
- B. In the event of an emergency, sickness or injury, employees who are unable to work their assigned shift are to contact their immediate supervisor or the on-duty Watch Commander no less than two hours prior to the start of their shift. In the event that no other supervisor or Watch Commander can be contacted, employees shall then notify Dispatch as a last resort. Dispatch shall then notify an on-duty supervisor as soon as possible.

VIII. ADJUSTED TIME OFF

- A. Adjusted work schedules and time off are permissible under the following circumstances:

1. Supervisors shall give employees reasonable advance notice that training or special events will be adjusted from the normal work schedule.
 2. The adjusted time off shall be compensated within 14 days of the training or special event.
- B. Employees will not accumulate time from training or other special events that cannot be taken within the 14-day work period.
- C. Employees will document on their time sheet what hours are adjusted and the reason.
- D. Hours worked over the normal workday shall be compensated at time and one-half with overtime or compensatory overtime.

IX. MAILBOXES, VOICE MAILBOXES AND E-MAILS

- A. Mailboxes will be used for official Departmental mail and correspondence only. All items from mailboxes will be removed and reviewed each regular work day by the individual assigned to that mailbox. (Mailboxes shall not be used for storage of any items, including papers, books, knives, flashlights, glasses, etc.)
- B. Employees receiving large or bulk parcels shall immediately remove the item(s) upon receipt and not store them in the mailbox area.
- C. No employee, other than a supervisor, shall remove any item from another employee's mailbox or voice mailbox without the permission of the employee.
- D. As a matter of courtesy and when appropriate, personnel shall return telephone calls in a timely manner. This shall apply to office and mobile cell phones.
- E. Employees shall check, open, and if appropriate, respond to all City and Departmental related e-mails every workday. E-mails advising of training, appointments or other mandatory events should be deemed as proper notification of the event.

X. WATCH COMMANDER

- A. Typically, the Watch Commander is the assigned shift lieutenant. A patrol sergeant will assume this responsibility in the absence of the lieutenant.
- B. When required for field supervision, a patrol officer may be designated as an "acting field supervisor" by the Watch Commander.

XI. REPORT HOLDING PROCEDURES

- A. All Department forms and RMS Report Information Entries shall be completed by the responsible employee prior to the end of shift. However, no narrative report shall be written while in an end-of-shift (EOS) extended day overtime status without specific authorization from a supervisor.
- B. Any form or document that requires a narrative report prior to submission for final approval shall be scanned and attached to the corresponding RMS report and held in the appropriate shift “hold box” or turned into the Watch Commanders report submission area prior. In the event a form is needed to be located for informational or follow-up purposes, no other method of storage is authorized (i.e., taking forms home, leaving in patrol car, etc.). Examples of such forms include, but are not limited to:
 - 1. Booking Documents (adult and juvenile);
 - 2. P.C. Declarations;
 - 3. Admin. Per Se Documents;
 - 4. Evidence Impound Documents;
 - 5. Signed Citations.
- C. RMS reports related to Stolen or Recovered Vehicles, Vehicle Impounds and those reports that are approved to be submitted in a short “Synopsis” narrative format shall be completed by end of shift.
- D. Supervisor report hold approval is required under the following circumstances:
 - 1. Investigation where a suspect is in custody;
 - 2. Investigations that result in the issuance of a P.C. pick-up;
 - 3. All reports that have not yet been completed on the last day of an employee’s work week.
- E. In held cases where immediate follow up by an investigator is anticipated (i.e., residential burglaries, hot prowls and series related crimes), officers shall obtain supervisor approval and then an e-mail or telephone notification shall be made to the appropriate investigative supervisor. Supervisor approval to hold these reports will be made on a case-by-case basis.

- F. In the event the RMS system is non-operational, officers should use the previously used ARJIS or CHP forms to document the information required for the report. This documented information will be entered into the RMS system once the RMS system has resumed normal operation.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-06-21	NO: 4.2 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: IMPOUNDING OF VEHICLES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 4.2 Patrol/Traffic, dated December 9, 2016.

I. PURPOSE

The purpose of this Instruction is to establish a policy for vehicle impounds.

II. POLICY

It shall be the policy of this Department that the impound of a vehicle be accomplished only under the following conditions:

- A. The impound is authorized under the authority of the California Vehicle Code.
- B. The vehicle is seized as evidence.

III. POLICY IMPOUND PROCEDURES

EsPD 315 shall be used for all vehicle impounds.

- A. Police impounds will utilize the service of the "duty tow" assigned for that particular time period. Exceptions would be for the use of a service (inside storage) or equipment (heavy duty) not available from the "duty tow."
- B. The impound report will be prepared in triplicate and will be signed legibly by the officer ordering the impound and the driver of the towing service. The officer will retain the original, the pink copy will be given to the R/O (if on scene) and the tow driver will be provided with the yellow copy. Tow drivers will not accept custody of an impounded vehicle without a completed EsPD 315. (A case number will be included unless extenuating circumstances exist.)
- C. An inventory shall be conducted on a vehicle prior to being towed by the tow company. All items within the vehicle, and the contents of closed containers, will be inventoried and listed under the Special Equipment/Inventory section of the EsPD 315 Vehicle Impound Form. Any container or trunk (compartment) not inventoried should also be noted in that section.
- D. Failure on the part of the "duty tow" to respond within 30 minutes, to perform any service that is in accordance with the current "duty tow" ordinance, or any tow requirement set forth in the Vehicle Code should be reported in writing via a CAD printout to the Department Tow Coordinator.

- E. A vehicle that is towed subsequent to an arrest is an impound and a completed EsPD 315 is required.
- F. A vehicle that is towed "per citizen" as a service to the registered owner is not an impound and an EsPD 315 is not required. If the registered owner is not present at the time of towing, an EsPD 315 is required.
- G. An EsPD 315 is required on hit-and-run collisions when the suspect vehicle is impounded pursuant to CVC 22655.5(a) for Evidence Hold. The "Agency Hold" box will also be checked on the EsPD 315.
- H. Officers will remain on scene with the impounded vehicle until the vehicle is secured to the tow vehicle and the tow driver is prepared to leave. Officers will ensure that all EsPD 315s are scanned into NETRMS and submitted for approval at the end of shift.

IV. REQUEST FOR IMPOUNDS FROM PRIVATE PROPERTY

A private property owner requesting the removal of a vehicle from his property shall be advised to follow the procedures outlined in CVC 22658 - Removal from Private Property.

The Department Tow Coordinator should be informed by Dispatch if Dispatch is not notified, or is not notified in a "timely manner," of a vehicle being towed from private property.

V. POLICE HOLDS

- A. When a "police hold" is placed on a vehicle, the EsPD 315 will indicate the following:
 - 1. The authority for the impound, the CVC section and the definition;
 - 2. The reason for the "police hold;"
- B. Also see Section XII of Department Instruction 3.1 for vehicles impounded for evidence.
- C. All inquiries for the release of vehicles shall be referred to:
 - 1. The traffic investigator (assigned the Hit and Run or Accident case) and/or the Tow Coordinator on all cases including those assigned to Investigations.
 - 2. Vehicles may be released only on the written authorization of the Department, as provided by the appropriate section or division.
TELEPHONE AUTHORIZATIONS ARE EXPRESSLY PROHIBITED.

3. Whenever it is necessary to inspect or examine the vehicle at the storage facility and it is determined that the vehicle can be released to the owner, the investigating officer or Tow Coordinator shall:
 - a. Complete and sign a Department Vehicle Release form, notify the owner that the vehicle is available for pick up and the necessary release form is to be signed and picked up during normal business hours at the reception counter of the Police Department. The Vehicle Release form shall stipulate at the top “R/O pays all fees.” The registered or legal owner will sign the release form and obtain a copy to present at the tow yard and pay all storage and impound fees prior to the release of the vehicle.
 - b. A Lieutenant, the Traffic Sergeant, or the Department Tow Coordinator may approve the waiver of the NVIP fee or some/all tow fees. If any fees are waived, the Vehicle Release form shall stipulate at the top “Bill at City Rate/Waive NVIP fee” as appropriate.
4. Whenever it has been determined that the vehicle at the storage facility may be released without inspection or further investigation, the investigating officer/detective or Tow Coordinator shall:
 - a. Complete and sign a Department Vehicle Release form, notify the owner that the vehicle is available for pick up, and the necessary release form is to be signed and picked up during normal business hours at the reception counter of the Police Department. The Vehicle Release form shall stipulate at the top “R/O pays all fees.” The registered or legal owner will sign the release form and obtain a copy to present at the tow yard and pay all storage and impound fees prior to the release of the vehicle.
 - b. A Lieutenant, the Traffic Sergeant, or the Department Tow Coordinator may approve the waiver of the NVIP fee or some/all tow fees. If any fees are waived, the Vehicle Release form shall stipulate at the top “Bill at City Rate/Waive NVIP fee” as appropriate.

VI. IMPOUNDS FOR CVC 14602.6 (30-DAY DMV ADMINISTRATIVE HOLD)

- A. CVC 14602.6 permits an officer, when he/she determines a driver’s privilege has been suspended, revoked or never issued, to impound the vehicle for 30 days. This does not apply to a vehicle stolen or driven by unlicensed employees.
- B. When an officer encounters an unlicensed driver (never licensed) or a driver with a served suspended or revoked license, CVC 14602.6(a) should be used unless

circumstances warrant the use of CVC 22651(p). A driver with a suspended license for W&I (DCSS) violations does not meet the criteria for a "30-day" hold.

- C. Officers shall mark the "Agency Hold" box and indicate "Hold for 30 days" in the "Storage Authority/Reason" section of the EsPD 315. The tow authority must be CVC 14602.6(a).
- D. A vehicle impounded for 30 days shall be released upon a court order, completion of the 30-day period, repossession by a bank or finance company, proof of error on the part of the impounding officer, or when circumstances warrant an early release.

VII. RED-TAG IMPOUNDS (Municipal Code 28-158)

A. Law

- 1. Vehicle Code Section 22651(k) states: "A vehicle can be impounded by a police officer or member designated by the Chief of Police when a vehicle is parked or left standing upon a highway for seventy-two or more consecutive hours in violation of a local ordinance authorizing removal."
- 2. Municipal Code Section 28-158 states: "In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two hours, any member of the Police Department authorized by the Chief of Police may remove said vehicle from the street in the manner and subject to the requirement of California Vehicle Code Sections 22650 et seq."

B. Steps for Removal

- 1. When an apparent abandoned vehicle is located on a public street as a result of member observation; through the current Abandoned Vehicle (AV) complaint process, or by other reporting means:
 - a. Obtain registration records to determine current vehicle status and ownership information. If no other immediate action is warranted, the member shall complete the WARNING NOTICE TO REMOVE VEHICLE and place the gold violator copy in a visible location, securely on the subject vehicle (EsPD #153).
 - b. Forward the agency portion of the notice to the Vehicle Abatement Community Services Officer with the agency copy of the notice to include the odometer reading (if visible), evidence of abandonment, location of tire markings and other indicia to verify non-movement by the member conducting follow up at a later date following the expiration of the 72-hour requirement.

2. After the 72 hours have lapsed, the member rechecking the vehicle shall;
 - a. Check for evidence to determine whether or not the vehicle was moved. This includes odometer, debris, fluids, cobwebs, chalk markings and other indicia.
 - b. Removal of the vehicle is to be conducted pursuant to current State Law and Department Policy.
 - c. Members may exercise discretion in providing a reasonable extension of time to allow the owner to be in compliance.

VIII. POST-STORAGE HEARINGS

The procedures and release criteria for conducting post-storage hearings included below is specifically outlined for 30-day impounds, but shall be used for any post-storage hearing where the vehicle is still in storage.

It shall be the policy of this Department that post-storage hearings and releases shall be conducted as directed by the California Vehicle Code and that the Department shall establish early-release criteria.

Under the provisions of CVC 22852, the registered or legal owner of record, or their agents, who have had a vehicle towed by this agency, shall have the opportunity for a post-storage hearing to determine the validity of the storage. (The term "storage" shall also constitute the towing and storage of the vehicle.)

- A. The storage notice will be mailed to the registered and legal owners within 48 hours, excluding weekends and holidays, of the vehicle being stored.
 1. Name, address, and phone number of agency providing notice;
 2. The location of the place where the vehicle is stored, with a description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number and the mileage;
 3. The authority and purpose for the removal of the vehicle.
 4. A statement that, in order to receive their post-storage hearing, the owners or their agents, shall request a hearing in person, in writing, or by telephone within 10 days of the date appearing on the storage notice.
- B. All post-storage hearings will be conducted utilizing the Post-Storage Hearing Form, EsPD #126 (see attached).

1. The form will be available at the front counter of the Escondido Police Department during normal business hours.
 2. The citizen requesting a hearing will complete the form and return it to the front counter with proper identification. The form will then be time-stamped.
 3. The hearing form will be forwarded to the person assigned as hearing officer. The hearing officer will access NETRMS to review the impound report and use ARJIS or Corona Solutions to assist in the decision of the hearing.
 4. Within 48 hours of receiving the hearing request, the hearing officer will notify the citizen via telephone or in writing of their decision. (This doesn't include weekends or holidays.)
 5. The decision of the hearing officer is final and not subject to appeal.
- C. Failure of either the registered owner or legal owner or their agent to request or attend a scheduled hearing shall satisfy the post-storage validity-hearing requirement.

IX. CRITERIA/PROCEDURE FOR RELEASES

The following criteria and procedure for releases is established using the California Vehicle Code and at the direction of the Escondido Police Department's Administration.

- A. All vehicles will be released upon a court order, completion of the 30-day period, repossession by a bank or finance company, proof of error on the part of the impounding officer/agency, or when circumstances warrant an early release.
- B. The hearing officer shall take into consideration the following factors when determining whether a vehicle shall be released or remain in storage:
1. Repossession by the legal owner (must have copy of all appropriate paperwork).
 2. Registered owner's knowledge of driver's license status and permission to use the vehicle (indicated in officer's report).
 3. Determination that the driver's license was valid at the time of the stop.
 4. The reporting officer's narrative lacks information.

5. The registered owner has a family hardship (this is the only vehicle and meets other criteria for release).
 6. The registered owner and the driver are spouses or cohabitants.
 7. The registered owner did not inquire of the driver about his/her license status.
 8. The registered owner was the driver and is unlicensed.
 9. The driver clears suspensions and produces a valid license.
- C. If the hearing officer makes a determination to release the vehicle early from a 30-day impound:
1. The hearing officer will prepare a vehicle release form that will be left at the front counter for the registered owner, who will be required to present current registration (proof of ownership) and proof of insurance to obtain the release. A release fee of \$180 (or \$100 for OTS impounds) will be paid at the Escondido Police Department front counter. A receipt will be provided to the payee to take to the tow yard.
 2. The registered owner will be responsible for all towing and storage fees up to the date that the owner appears at the tow yard.
 3. The legal owner, when repossessing the vehicle, will also be responsible for the same fees.
- D. If the reviewing officer determines that reasonable grounds for the storage were not established, the registered owner will not be responsible for the costs incurred for towing and storage.
1. The hearing officer will provide the registered owner with a release form that indicates that there will be no charge.
 2. If the error was the responsibility of this Department, then the towing company will charge the City of Escondido at the contract rate for towing and storage fees.
 3. If the error was beyond the control of this Department (i.e., Department of Motor Vehicles or court error), the towing company will cover all towing and storage costs pursuant to the tow contract.



ESPD CASE # _____

ESCONDIDO POLICE DEPARTMENT POST STORAGE HEARING

Under the provisions of CVC 22852, you have a right to a post storage hearing to determine the legality of your vehicle's storage. The hearing is an informal review of your written statement and the Vehicle Impound report. You must request the hearing within **10 days** of the storage notice date. The hearing officer will make a decision within **48 hours** of your request, excluding weekends and holidays.

PLEASE COMPLETE THE FOLLOWING

Today's Date: _____ Time: _____

Your Name: _____
(Last) (First) (Middle)

California Driver's License/ID #: _____ Date of Birth: _____

Address: _____ City: _____ Zip Code: _____

Lienholder's Name (If this is a Repossession): _____

Phone Number: (____) _____ (____) _____ (____) _____
(Home) (Cell) (Work)

Vehicle Year: _____ Make: _____ Model: _____

License Plate No. (Print Clearly): _____ State: _____

Please explain why you believe the vehicle's storage was not valid.

If this is a repossession for lack of payment, check here: ☐

PLEASE READ AND SIGN: I understand that completing this statement does not guarantee the release of the vehicle. Additionally, the decision of the hearing officer is final and is not subject to appeal.

SIGNED: _____

Employee Taking Request: _____

Time: _____

ESPD #126 S://Authorized Forms/Post Storage Hearing (07/15)



ESPD CASE # _____

ESCONDIDO POLICE DEPARTMENT
HEARING OFFICER'S FINDINGS

THE VEHICLE WILL:

☐ **BE RELEASED BECAUSE:**

- _____ Repossession
_____ Registered Owner was unaware of the driver's status
_____ License status was valid
_____ Officer's narrative lacks information
_____ Family hardship
_____ Other: _____

☐ **REMAIN IN STORAGE BECAUSE:**

- _____ Registered owner knew the driver was unlicensed
_____ Registered owner and the driver are spouses or cohabitants
_____ Registered owner did not ask the driver about his/her license status
_____ Registered owner is the driver and is unlicensed
_____ Other: _____

Additional Notes:

Owner was notified of results by:

☐ Phone ☐ Letter

Date of Notification: _____ Time: _____

Name of person contacted by phone: _____

Hearing Officer: _____ Date: _____

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 4.3 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: OUTSIDE ARRESTS—ANIMAL CONTROL AND EMERGENCY SERVICES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.3 Patrol/Traffic, dated March 2, 2018.

I. PURPOSE

To establish a formal policy concerning assistance to San Diego Humane Society Officers while they are making arrests.

II. LEGAL REQUIREMENTS

San Diego Humane Society Officers get their enforcement powers from the California Corporations Code 14502.

III. GENERAL POLICY

In the event that a call for assistance is made from the San Diego Humane Society to this Department, our officers will respond in the following manner:

- A. The San Diego Humane Society Officer will be required to make the arrest and effect the physical restraint necessary to take that person into custody.
- B. Take custody of any person arrested by the San Diego Humane Society Officer for transportation to the Police Department.
- C. The arrested person will be cited and released, or transported to the County jail, subject to the policy of the Escondido Police Department.
- D. The San Diego Humane Society Officer will be responsible for the filing of the criminal complaint against the arrestee as soon as possible.

IV. EMERGENCY SERVICES BY THE ANIMAL CONTROL AUTHORITY

The San Diego Humane Society provides a 24-hour, seven-day-a-week answering service to provide public information and to refer calls of an emergency nature to standby San Diego Humane Society Officer. Priority I or emergency calls include:

- A. Threatening dangerous animals.
- B. Possible rabid/biter animals.
- C. Major injuries to an animal.

- D. In-progress cruelty to animals.
- E. Animal presenting immediate hazard to humans, such as in traffic lanes or a major thoroughfare.
- F. Animals in imminent danger, such as locked inside vehicles.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION		DATE: 08-11-20	NO: 4.4 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: LAW ENFORCEMENT INCIDENT COMMAND SYSTEM		
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE		

This Department Instruction supersedes Department Instruction 4.4 Patrol/Traffic, dated May 30, 2014.

I. PURPOSE

Provide procedures to incorporate the use of the Incident Command System compliant with the requirements of the California Standardized Emergency Management System (SEMS). SEMS is required by California statute, Government Code 8607(a) for emergency response and disaster management in multi-agency and multi-jurisdiction emergencies. SEMS is an extension of the National Incident Management System (NIMS).

California local governments must use SEMS / NIMS in emergency response and disaster management to be eligible for any available disaster reimbursement funding for its personnel related costs provided through State disaster assistance programs.

The basic framework of SEMS incorporates the use of the Incident Command System (ICS). ICS was developed under the Fire-Fighting Resources of California Organized for Potential Emergencies (FIREScope) Program, multi-agency or interagency coordination, the State's master mutual aid agreement and mutual aid program, the operational area concept and the Operational Area Satellite Information System (OASIS).

II. SEMS LEVELS, TERMS AND DEFINITIONS

LEVELS OF SEMS:

SEMS provides for five distinct organizational levels of emergency response and disaster management, which may be activated as necessary:

- Field Response
- Local Government
- Operational Area
- Regional
- State

Field Response Level: Emergency response level where personnel and resources carry out tactical decisions and activities under the command of an appropriate authority in direct response to an incident or threat.

Local Government Level: The level that includes cities, counties, and special districts. Local governments manage and coordinate the overall emergency response and recovery activities within their jurisdiction. San Diego Sheriff is the mutual aid coordinator for the County of San Diego.

Operational Area Level: An intermediate level of the State's emergency services organization, which includes the County and all political subdivisions situated within the County. The operational area manages and/or coordinates information, resources, and priorities among local governments within the Operational Area and serves as the coordination and communication link between the local government level and the regional level.

Regional Level: The level that manages and coordinates information and resources among operational areas within the mutual aid region and between the operational areas and the state level. This level also coordinates overall state agency support for emergency response activities within the region. Escondido is in California Mutual Aid Region VI. San Bernardino Sheriff is the regional mutual aid coordinator.

State Level: The level that manages state resources in response to emergency needs of the other levels, and manages and coordinates mutual aid among the mutual aid regions and between the regional level and the state level. State level also serves as the initial coordination and communication link with the federal response system.

- *The Incident Command System (ICS):* A nationally used, standardized, on-scene emergency management system which begins at the field level and expands to larger spans of control based on the scope and severity of the event.
- *Multi/Inter-Agency Coordination:* The participation of agencies and disciplines involved at any level of the SEMS organization working together in a coordinated effort to facilitate decisions for overall emergency response activities, including the sharing of critical resources and the prioritization of incidents.
- *Mutual Aid Systems:* Voluntarily provided local government services, resources and facilities when emergency impacted jurisdiction resources are exhausted or inadequate.
- *Emergency:* A condition of disaster or extreme peril to the safety of persons or property. Emergencies can be small or large.
- *Emergency Response Agency:* Any organization responding to an emergency or providing mutual aid support to such an organization whether in the field, at the scene of an incident, or to an operations center.
- *Emergency Response Personnel:* Personnel involved with an agency's response to an emergency.

- *Multi-agency or Interagency Coordination:* Agencies working together at any SEMS level to facilitate decisions.
- *Mutual Aid:* Voluntary provision of services and facilities when existing resources prove to be inadequate. California mutual aid is based upon the State's Master Mutual Aid Agreement. There are several mutual aid systems included in the mutual aid program.
- *Emergency Operations Center:* A location from which centralized emergency management can be performed. EOC facilities are found at local governments, operational areas, regions and state.

The City of Escondido primary Emergency Operations Center is at the Police and Fire Headquarters. Fire stations #1 and #5 are suitable as alternate EOC locations.

- *Department Operations Center:* A location from which incident directed police operations are managed. This location is dedicated to the event and is not involved in routine patrol operations.

The Police Department Operations Center is located in the Police briefing room. Other City departments may establish their own department operations center depending on the nature and extent of the event.

- *Operational Period:* The operational period will vary in length. During the early stages of the incident, the operational period will be short (4-8 hours). As the incident unfolds, operational periods will likely be 12 hours long. The operational period will not exceed 24 hours.

III. E.O.C. ACTIVATION LEVELS FOR LOCAL EMERGENCIES

Level III Activation

Level III activation is a minor to moderate incident where local resources are adequate and available. A LOCAL EMERGENCY may or may not be proclaimed. If the incident is within Escondido, then the EOC may be activated to Level III. If the incident is in another jurisdiction within the Operational Area, the EOC will not be activated unless requested by that jurisdiction or the Operational Area. Depending on the nature of the incident, the Police Watch Commander and the Fire Department Duty Battalion Chief may also want to activate their respective Department Operations Centers (DOCs). Also notify the Escondido Emergency Services Manager of the EOC activation.

Level II Activation

Level II is a moderate to severe incident where local resources are not adequate and mutual aid may be required on a regional or even statewide basis. A LOCAL EMERGENCY will be proclaimed and a STATE OF EMERGENCY may be proclaimed. If the incident is in Escondido, the EOC will be activated to at least Level II, and may be activated up to Level I.

If the incident is in another jurisdiction within the Operational Area, the EOC may be activated if requested by that jurisdiction or the Operational Area. If the incident is in Escondido, or if Escondido is sending significant mutual aid, the Police Watch Commander and the Fire Department Battalion Chief, as well as the Director of other impacted City departments, should consider activating their DOCs. Also notify the Escondido Emergency Services Manager of the EOC activation.

Level I Activation

Level I is a major disaster wherein resources in or near the affected area are overwhelmed and extensive State and / or Federal resources are required. A LOCAL EMERGENCY and a STATE OF EMERGENCY will be proclaimed, and a PRESIDENTIAL DECLARATION OF EMERGENCY or MAJOR DISASTER may be requested.

If the incident is in Escondido, the EOC will activate to Level I. If the incident is in another jurisdiction within the Operational Area, the EOC may activate if requested by that jurisdiction or the Operational Area. If the incident is in Escondido, the Police Watch Commander and the Fire Department Battalion Chief will activate their DOCs.

If Escondido is sending significant mutual aid to another jurisdiction, then the Watch Commander and Battalion Chief, as well as the Director of other impacted City departments, should consider activating their DOCs. Also notify the Escondido Emergency Services Manager of the EOC activation.

For detailed information, refer to the City of Escondido's Emergency Operations Plan-2014 located in the E.O.C.

IV. LAW ENFORCEMENT INCIDENT COMMAND SYSTEM

A. ICS provides for five major functional responsibilities. ICS refers to these responsibilities as "Sections". The sections are:

1. Command
2. Planning/Intelligence
3. Operations
4. Logistics
5. Finance

ICS allows the emergency organizational structure to be modified at the major and subfunctional levels to meet operational demands as they develop. The five major functional responsibilities listed above will always be a function of any law enforcement emergency event from an encounter which involves a single officer or the large incident which could involve most of the Department.

Large incidents, such as; natural disasters, terrorism related events, civil unrest, pandemics, or other large scale operations are likely to prompt an elevation in the

Department's operational conditions. (See Department Opcon Guide, dated May 2020.)

B. ICS Functions:

1. Command: Operational strategy and tactics will typically be decided by the Incident Commander as the sole person in charge unless the event requires the use of a joint incident command structure. The incident commander has the responsibility and the authority to deploy emergency response forces to affect control over the emergency event. The ranking officer on scene will be the designated incident commander until relieved by a higher authority.

Command staff includes all specialists who may augment the emergency organization as needed. Typically, this will include:

- Incident Commander
 - Public Information Officer
 - Agency Liaison Officer(s)
 - Agency Representative(s)
 - Others as required
2. Planning/Intelligence Section: When mobilized for emergency operations, this function provides command with information / intelligence critical to the development of plans and tactics.

All data regarding the emergency situation, all reports regarding the circumstances of the event, maps of the operational areas, available photographs of the area, weather information, and any other information which may have a bearing on the strategic and/or tactical plans are provided by this section. This information is gathered from field units and other sources of information.

Briefing and debriefing also fall within the responsibility of the Planning/Intelligence Section. Briefings will always include essential information needed by assigned personnel to be effective at the incident. Elements of the briefing, as a minimum, will include:

- Situation Status
- Operation Objectives
- Strategy
- Practical Assignments
- New Directives or Policies

***Certain events may dictate the separation of Planning and Intelligence into individual functional responsibilities of the overall ICS structure. Additionally, each functional element may have a need to establish its own*

planning & intelligence component which would feed the Intel/Planning section. The Incident Commander will make this determination.

3. Operations Section: Operations is usually subdivided into branches to maintain closer coordinated control of tactical units in their field activities. Branches are usually identified by the type of service they provide (LE Branch, FIRE Branch, Air Operations Branch, etc.). This subdivision is particularly important due to the operational nature of the many types of resources that can be introduced into an emergency incident.

Branches are further divided into Divisions or Groups. A Division or Group typically associates an assignment with a geographical area / or large task responsibility ("West Division", evacuations, looting, patrol, etc.). Within the Division or Group there are strike teams, task forces, or single resource units. These working units are typically comprised of tactical / field level units dedicated to a particular type of work or task (Patrol units, MFF, SWAT, ENT, K9, etc.) or assigned to work together to address a specific problem.

As an example, you may have Mobile Field Force (strike team / resource) assigned to the "West Division" dedicated to looting occurring within this geographical area.

The Ops Section Chief should have a supervisor or acting supervisor in charge of each type of resource who reports directly to him/her. If the operation expands to a level of more than four or five types of resources to supervise, the Ops Section Chief should designate leaders at all the sub-levels to command those units. The Branch/Division/Strike Team leaders would then report directly to the next higher level within ICS. Branch leaders report to the Ops Section Chief who then reports to the Incident Commander.

4. Logistics Section: This unit is responsible for all supplies and material, and material support necessary to conduct the emergency operations. Logistics is divided into a Services Branch and a Support Branch.

Logistics responsibilities include obtaining field facilities (building and location) or activating predesignated facilities for emergency operations, mustering needed emergency response personnel, requisitioning special equipment and providing services, such as meals, sleeping arrangements, hygiene stations, etc.

The Services Branch is responsible for communications, medical, and food. In a major incident, communications may comprise its own branch.

The Support Branch is responsible for supplies, facilities, and ground support.

5. Finance Section: This unit has responsibility for cost accountability and providing the essential audit trail necessary to recoup reimbursable costs at a

later time. Such accounting requires the initiation and documentation of expenditures, purchasing authorizations, damage to property, personnel time and attendance, equipment usage, injury claims and compensation, vendor, contracting, financial agreements with other agencies, and all other matters that show an expenditure of funds.

These records and other documents will form the basis for cost analyses undertaken following the emergency event and the data necessary for financial assistance or reimbursement, when appropriate.

Incident Commanders may choose to contact Department finance personnel and obtain a program code which can be used from the earliest stages of the event to track expenditures.

The finance section will be minimally comprised of the:

- Time Unit
- Procurement Unit
- Compensation & Claims Unit
- Cost Unit

V. FIELD LEVEL INCIDENT ACTION PLAN

Within the concepts of the Law Enforcement Incident Command System, the development of the Incident Action Plan becomes the initial task of the five functional elements listed in Section IV.

The Incident Action Plan should not be unnecessarily voluminous nor overly complex. It should contain only that information necessary, avoiding redundancy and confusion, and be focused directly onto those aspects which will resolve the emergency.

Matters that relate to existing Department policies, standard operation procedures, checklists and the like *should be excluded from the plan and merely referenced in the development of the plan.*

The Incident Action Plan is a flexible document which will accommodate change. The plan should be reassessed periodically to incorporate changes in strategy and tactics.

Incident Action Plans, which may be verbal or written, are required for each operational period. SEMS ICS forms should be used whenever possible.

Field Level Incident Action Plans should include the following information:

- Incident objectives and strategies to achieve these objectives
- Tactics appropriate to the selected strategy
- Type and number of resources assigned

- Overall support organization, including logistics, planning, and finance functions
- Communications plan including safety messages
- Other essential supporting documentation

Some general rules to follow when incident action planning:

- Oral direction may suffice initially
- Follow a process to avoid omissions
- Organize to fit the emergency
- Clarify assignments/tasks
- Organize use of communications
- Consider a broad range of logistics
- Written plans are always necessary for extended emergency incidents multi-agency/multi-department incidents multi-jurisdictional incidents.

VI. HIERARCHY OF COMMAND OR MANAGEMENT

Hierarchy of command/management means that all parts of the organization within each activated ICS level are linked together to form a single incident management organization within appropriate span-of-control limits.

VII. SPAN OF CONTROL

Maintaining a reasonable span of control is the responsibility of every supervisor at each functional level. ICS development established a one to seven ratio as the maximum span of control under emergency response conditions. A one to five ratio was established as optimum. This means that, in an emergency response organization, one supervisor should have direct supervisory authority of no more than five positions, if they are performing separate functions.

VIII. PERSONAL ACCOUNTABILITY

Personnel accountability is accomplished through the Hierarchy of Command/Management feature, along with the use of check-in forms, position logs and various status-keeping systems.

IX. INCIDENT COMMAND POST

The Incident Command Post shall be established when it becomes necessary to increase communication and direct multiple resources to resolve a field emergency or unusual occurrence.

- A. The location of the Incident Command Post shall be as close to the incident as possible without jeopardizing the purpose and goals of the operation.

- B. Use an address, intersection or location that is well-known.
- C. Use a location that is accessible to officers and equipment reporting for assignment.
- D. Use a location that can be reached from more than one direction by an unobstructed route.
- E. Use a location that supports the personal needs of assigned personnel (i.e., restrooms, telephones, etc.).

X. CASUALTY COLLECTION POINTS (CCPs)

A Casualty Collection Point is a predesignated location where first-aid supplies are stored on site. In an emergency, CCPs are staffed with Disaster Action Teams (DATs) provided by the American Red Cross. Walking wounded are treated at CCPs, thereby allowing hospitals to care for only the more seriously injured.

In a major emergency when the CCP is activated, it would be a poor location for a field command post due to congestion and overloading of facilities. Selecting a CCP should be done in consultation with personnel from the Fire Department, Public Works Department, and representatives from the facility. Attempt to coordinate with American Red Cross prior to standing up the CCP.

Two *examples* of CCPs in Escondido are:

- A. Escondido High School, 1535 N. Broadway
 - 1. 14,000 sq. ft. gymnasium
 - 2. 4,700 sq. ft. auditorium
 - 3. 63 classrooms
 - 4. 15 offices
 - 5. Public address system
 - 6. Can feed 100 people per hour
 - 7. Can shelter 500-700 people
- B. San Pasqual High School, 3300 Bear Valley Parkway
 - 1. 14,000 sq. ft. gymnasium
 - 2. 43 classrooms
 - 3. 10 offices
 - 4. Public address system
 - 5. Auxiliary power
 - 6. Can feed 60 people per hour
 - 7. Can shelter 500 people

XI. MASS CARE CENTERS (MCCs)

A Mass Care Center can be any facility with the capability of sheltering large numbers of people, usually over 200, to which temporarily homeless people can be directed.

An MCC can be a school, a church, a social hall, a warehouse, or a government building. Schools and churches usually can be accessed most rapidly for use as MCCs.

Selecting an MCC should be done in consultation with personnel from the Fire Department, Public Works Department, and representatives from the American Red Cross and the facility being used.

XII. HELICOPTER LANDING AREAS

The following are general guidelines and may not be suitable for all types of helicopters. A suitable area for helicopter landings is flat, with an area unobstructed by trees and power or telephone lines for at least 200 feet in diameter. A grass / asphalt-concrete area is preferable to a dirt area because less dust is produced by rotor wash. Also consider ease of vehicle access in the event the helicopter requires fuel or maintenance while on the ground.

A school playground or athletic field is satisfactory if the school is not in session and the area is not otherwise occupied.

Field command posts should have suitable landing areas nearby.

The responsibility for selecting / designating a landing area may be given to the Operations Section / Air Ops Branch or the Logistic Section / Ground Support Unit.

The pilot of the helicopter will have final say in determining whether or not a location is suitable for landing.

XIII. OTHER EVENTS

Other events may include a variety of circumstances not expressly anticipated in the formation of this policy. There may also be events requiring the use of a modified or non-traditional ICS structure in order to effectively manage the event.

Two potential events that may fall into this category are Chempack Events or POD distribution events. Both of these events are not likely to occur as a matter of routine, and both would be supervised by FIRE with LE acting in a joint incident command capacity. Chempack events are generically addressed in EPD Communications Directive 6.27. POD distribution events are planned through the City of Escondido Emergency Manager and coordinated through FIRE.

References:

State of California 2009 ICS Redbook

City of Escondido Emergency Operations Plan 2014

EPD Communications Directive section 6.27

Escondido Police Department Operational Conditions Guide

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-07-21	NO: 4.5 TRAFFIC
TO: ALL PERSONNEL	SUBJECT: TRAFFIC ENFORCEMENT GUIDELINES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Instruction 4.5 Traffic, dated December 21, 2018.

I. PURPOSE

The traffic enforcement objective of the Department is to reduce traffic collisions and facilitate the safe and expeditious flow of vehicular, bicycle, and pedestrian traffic through the public's voluntary compliance with traffic regulations. The Department seeks to achieve this objective through a combination of education and enforcement.

II. POLICY

The Department will take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as attitude, intent, or frivolous excuse. Enforcement action may consist of a warning, citation, or physical arrest.

The issuance of a traffic citation is applicable in most cases involving traffic misdemeanor and infraction violations. It may be issued to any violator who jeopardizes the safe and efficient flow of vehicular or pedestrian traffic. In addition to hazardous moving violations, the citation is appropriate for equipment, registration, and driver's license violations. Individuals who commit infractions and other minor violations may be cited, or warned and released.

A. Violator Contact

Traffic enforcement is one of the many tasks performed by officers and, in many cases, this is the only contact that a person has with our Department. Officers should be aware of these conditions and should strive to make each contact educational and leave the violator with the impression that the officer has performed a necessary task in a professional manner.

B. Enforcement of Parking Regulations

Street parking is restricted in various areas of the city to insure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the city.

C. Visible Patrol

Any tendency of motorists to knowingly violate traffic laws is deterred by open and visible patrol, and the number of traffic collisions is correspondingly reduced. Officers are expected to aggressively enforce traffic laws while engaged in routine patrol. When there is an unusual or continuing enforcement problem at a particular location, officers may park in a conspicuous location and observe traffic.

D. Collision Investigation

The investigation of traffic collision(s) is necessary to determine traffic law violation(s) and to obtain engineering data to make necessary roadway improvements.

E. Engineering Defects

Officers shall not cite violators when the principal reason for the violation is an obvious identifiable engineering or environmental defect. When an officer encounters an engineering or environmental defect that affects drivers' compliance with traffic laws and/or is a traffic hazard, they shall report this to the appropriate City department (via their immediate supervisor).

F. Radar/LIDAR Speed Enforcement

Radar/LIDAR enforcement of speed law violations shall be used only by personnel who have undergone the required POST training. Radar/LIDAR may also be used on unposted streets using prima facie speed limits.

III. TRAFFIC ENFORCEMENT TOLERANCES

- A. It is incumbent upon every patrol officer to aggressively enforce traffic violations in an effort to minimize loss of life, injury and property damage that result from traffic collisions.
- B. Whenever an officer observes a violation of a traffic law, they should stop the violator and take some type of enforcement action. Officers shall, as soon as practical, provide Dispatch with the stop location. The officer should decide whether to warn, cite or arrest the violator, based upon the seriousness of the violation.

IV. CITING INSTRUCTIONS

- A. In order to avoid confusion for both the violator and the court, officers should adhere to citing instructions. Officers shall not alter any pre-printed wording on the citation or quote bail. Officers should refer the violator to the reverse side of the citation for instructions after verbal instructions have been given.

- B. After the violator is stopped, advise the driver why they were stopped.
- C. Advise the driver you are going to issue a citation and for what violation(s).
- D. Be courteous; explain the violation if the driver doesn't understand.

V. COUNTY SEAT

Request for County Seat: If the driver requests to be cited to the County Seat, do so per CVC 40502 to the Kearny Mesa Branch.

VI. LEADING CAUSES OF TRAFFIC COLLISIONS

- A. Each year there are approximately 2,000, traffic collisions in the city, with many of these collisions resulting in injuries.
- B. Recognizing this, emphasis must be placed on the leading causes of traffic collisions. There are a multitude of Primary Collision Factors documented in the city. Officers should familiarize themselves with these collision factors and aggressively enforce related traffic laws while engaged in routine patrol.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 10-14-24	NO: 4.6 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: JAIL DUTIES AND RESPONSIBILITIES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.6 Patrol/Traffic, dated August 8, 2024.

I. PURPOSE

The purpose of this Instruction is to establish procedures for the operation of the holding facility at the Escondido Police Department.

II. POLICY

- A. At the beginning and the conclusion of each shift, the Watch Commander shall inspect the holding facility, noting that the prisoners are secured and are safe for confinement. He will also note the physical condition of the area.
- B. The Watch Commander, or their designee, will make, or cause to be made, hourly inspections of all prisoners confined in the holding facility. A log of such inspections and the time they were conducted will be maintained in a log book provided in the holding facility area. The Watch Commander will advise the relieving supervisor or Watch Commander of the condition of all prisoners.

III. JAIL DUTIES/RESPONSIBILITIES

- A. Transporting officers entering the Escondido Police Department Detention facility with a prisoner must ask the following medical screening questions. Affirmative answers shall be documented on the prisoner log, the injured prisoner book, and the arrest report. The arrest report should detail what issues were discovered and what actions were taken.
 - 1. Do you have any medical needs or developmental disabilities?
 - 2. Do you have any mental health needs?
 - 3. Are you suicidal?
 - 4. Do you have any communicable diseases?
- B. Prisoners in need of immediate medical attention shall be kept under constant observation and evaluated by paramedics. In situations where the prisoner is not in need of immediate medical attention but in need of a medical evaluation, the prisoner shall be transported to an appropriate medical facility by an officer or custody transport officer. In all cases, a supervisor shall be notified of prisoners with medical or mental health issues.

The following are examples of symptoms requiring immediate medical attention:

1. Difficulty breathing
2. Chest pain
3. Seizures
4. Head injuries
5. Loss of consciousness
6. Broken bones
7. Signs and symptoms of a medical emergency related to mental health of drug induced issues
8. Excessive bleeding
9. Any situation where the officer believes the prisoner is in need of immediate medical attention

- C. Do not leave a prisoner unattended within the jail in restraints for a period of 15 minutes or longer, and a restrained prisoner must be housed alone. Officers maintaining prisoners in restraints while held within jail cells must document such occurrence in the arrest or officer's report [Title 15, Section 1058 of the California Code of Regulations (CCR)]. RE: Department 1.13, Handcuffing and Searching Prisoners.

1. The sobering cell shall only be used for the holding of prisoners who are a threat to their own safety or the safety of others due to their state of intoxication (alcohol and drug).

In no case shall a prisoner held in the sobering cell for intoxication remain in the cell over six hours without being transported to a medical facility for medical clearance. Detoxification services are not provided in this facility.

All persons placed in the sobering cell will have his/her information recorded on the sobering cell log as well as on the main jail log. Intermittent direct visual observation of persons held in the sobering cell shall be conducted no less than every half hour. The time of the check and the initials of the officer conducting the check will be noted on the log.

- D. A prisoner suspected of being a suicide risk will not be left unattended. Suicide and mental health issues shall be documented on the prisoner log, the injured prisoner

book, and the arrest report. When prisoners are transported to county jail, the jail staff shall be notified of any mental health issues.

- E. All property (including shoes and jewelry, if possible) shall be removed from the prisoner prior to taking the handcuffs off.
- F. Prisoners with prescribed orthopedic or prosthetic appliances shall be allowed to keep such appliances. However, if the person in charge determines there is an immediate risk of bodily harm to any person in the facility or there is a threat to the security of the facility, such appliance may be removed.
- G. The transporting officer is responsible for immediately completing the applicable sections of the Jail/Arrest Log and the Property Inventory form. Prisoner property should then be secured in one of the available property bins and identified with the prisoner's name. NO ITEMS SHOULD BE LEFT ON COUNTERTOPS OR ON THE FLOOR.
- H. The arresting officer is responsible for ensuring that any additional necessary logs or forms are completed, such as the Juvenile Record form, Juvenile Confinement Log, Breathalyzer Log, and Booking Slips, as well as packaging the property required for admittance to another facility.
- I. Prisoners should be kept in booking cells only while being processed. ("Processing" is defined as the time needed for filling out forms or interviewing.) Upon completion, the prisoner should be placed in a regular holding cell or in the sobering cell. COATS, SHOES, BELTS, JEWELRY, OR ANY OTHER ITEMS SHOULD NOT BE LEFT ON THE PRISONER.
- J. The Watch Commander or field supervisor must be notified when a prisoner is brought to the station. This notification should include the circumstances of the arrest and any other conditions, such as the prisoner's state of intoxication or medical condition, which would possibly require special care or procedures.
- K. The officer who transports prisoners to another facility or releases them from the station is responsible for completing that section of the Jail Log.
- L. The original of the Property/Inventory form should be given to the prisoner and the duplicate copy forwarded to Records with the report.
- M. Once a month, the Watch Commander (or designee) shall initial the "Monthly First-Aid Inventory Log."
- N. The Watch Commander (or designee) shall conduct daily checks of the detention facility for sanitation, safety, and maintenance needs. The detention facility is to be cleaned by janitorial staff Monday through Friday. If there is a need for cleanup outside of the normally scheduled times, custodial staff will be summoned to clean and disinfect the facility. If there are maintenance issues such as broken lighting,

faulty plumbing, etc., these issues are to be reported to building maintenance and fixed as soon as practical.

- O. Discipline shall not be administered in this facility.

IV. SEARCHES OF PRISONERS

- A. There are three types of searches in the Escondido jail. Booking searches for weapons, contraband and evidence, strip searches and body cavity searches. All searches within the Escondido jail are to be carried out by staff of the same sex as the inmate. In the event there are no female staff members available for searches, the inmate shall be transported to the county jail.
- B. Misdemeanor strip searches will only be conducted when there is reasonable suspicion based on specific and articulable facts to believe the prisoner is concealing a weapon or contraband, and the strip search will result in the discovery of the weapon or contraband. Prior written authorization shall be obtained (use Escondido PD form #313).
- C. In the case of a felony arrest involving the possession of narcotics or weapons, the arrestee is subject to a strip search. In the event a strip search of a felony arrestee is to be conducted, the officer conducting the search shall notify a supervisor prior to conducting the search. All strip searches will follow the procedures listed below.
 - 1. Strip searches will not be conducted by officers of the opposite sex.
 - 2. Strip searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search.
 - 3. Officers conducting the search shall not touch the breasts, buttocks, or genitalia of the person being searched.
- D. Body cavity searches require a search warrant and must be approved by a Watch Commander.

V. DESIGNATION OF CELLS

In general, the male cells are to be used for adult male prisoners. The female cells are to be used for adult female prisoners. The sobering cell is to be used for prisoners who are a threat to their own safety or the safety of others due to the state of their intoxication.

VI. SEGREGATION OF PRISONERS

Administrative segregation is a tool by which jail managers can provide separations which provide for the safety of staff and inmates alike.

- A. Juvenile prisoners are not to be confined with adult prisoners. Specific guidelines for juvenile prisoners are found in D.I. 1.35, Confinement of Minors.
- B. Male and female prisoners are to be segregated by sex.
- C. Segregate developmentally disabled prisoners from all other inmates when necessary for the safety of the disabled.
- D. Mentally disordered prisoners will be placed in individual cells, segregated from other prisoners. When necessary, transfers of mentally disordered prisoners to a treatment/evaluation facility as provided in Penal Code Section 4011.6 and/or Welfare and Institutions Code 5150 will be conducted.
- E. Upon identification/detection, prisoners with communicable diseases will be segregated from all others. All personnel must be familiar with the Instructions contained in Department Instruction 3.10, Infectious Disease Control, and take extreme caution when coming into contact with persons having infectious diseases.
- F. Gang members shall not be housed with non-gang members or members of an opposing gang.
- G. Adults with large age differences should not be housed together. Adults with large differences in body size should not be housed together. Prisoners that have more criminal sophistication should not be housed with prisoners that have not served time in state or county jails.
- H. Felony offenders should not be housed with misdemeanants.
- I. No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officer or others (Cal. Penal Code 6030).
- J. Female prisoners will not be housed in the facility without a female officer on duty. If no appropriate female personnel are on duty, female prisoners will immediately be transported to the county jail for booking and detention (Cal. Penal Code 4021).
- K. Officers will not enter the room or cell occupied by any prisoner of the opposite sex, except in the company of an employee of the same sex as the prisoner (Cal Penal Code 4021).

VII. PRISONER MEAL POLICY

- A. The Watch Commander (or designee) will evaluate any prisoners held in the building to determine if they should be provided with a meal.
- B. Prisoners kept for extended periods of time, or any prisoner who makes a specific request, will be fed at the discretion of the Watch Commander.

For the purposes of this Instruction, “extended period of time” will mean prisoners kept in excess of four hours.

VIII. PRISONER MEAL PROCEDURE

- A. An officer, Patrol Tech, or CTO will pick up the meal and bring it to the Police Department. A receipt should be obtained, marked with his/her initials and ID number, and placed into the “Prisoner Meal Receipts” folder in the Watch Commander’s office.
- B. The officer delivering the meal is responsible for ensuring it is given to the prisoner and should note on the Jail Arrest log in the Comments Section the time the meal was provided.

IX. PRISONER FINGERPRINTS

All adults who will be booked into County Jail, and juveniles who will be booked into Juvenile Hall should be fingerprinted using the Livescan system for the purpose of identification through CAL ID/AFIS only. Booking fingerprints will be completed by the receiving facility. Refer to D.I. 4.7 for guidelines for fingerprinting prisoners who are released on a written notice to appear.

X. PRISONER TENPRINT CAL ID/AFIS VERIFICATION

- A. The purpose of the CAL ID/AFIS (automated fingerprint identification system) check is to determine the true identity of an unknown person where there is no other means available to verify identification.
- B. Prior to a CAL ID/AFIS check being completed, the arresting officer must conduct an ARJIS, DMV, CII, and EPD Mug File check to confirm that the prisoner is not identifiable either under the name given or as a listed AKA.

XI. EMERGENCY PROCEDURES

Emergency procedures generally are defined as those which necessitate immediate action to resolve a problem which is outside the scope of the routine of the facility. Emergencies can take the form of a riot, security breaches, fire, hostage incidents, disasters, etc. Any incident that threatens the life or may precipitate injury to any arrested person, staff, or the general public is considered an emergency.

Basic rules concerning emergencies are:

- Sound appropriate alarm (jail alarm, fire alarm, etc.)
- Notify Communications and the Watch Commander
- Evacuate persons in custody to the Sally Port, or other safe and secure location
- Call for medical assistance

- Maintain security of building, if possible
- Take measures to ensure safety of staff and inmates

XII. VERMIN CONTROL

Officers or CTOs shall report to a supervisor any prisoner who has or is suspected of having vermin (body, head, pubic lice, or scabies). Any prisoner suspected of having vermin shall be kept separate from other prisoners when at the facility or when being transported to a jail facility.

Custodial staff shall arrange for treatment and control of the areas where the prisoner has been. If vermin contamination is heavy, supervision should consider the services of a licensed pest control operator.

XIII. PRISONER DEATHS

Incident reports shall be filed by the Watch Commander, custodial officer or by any other person having knowledge of circumstances of the detention of the deceased. The appropriate Investigations personnel shall notify the San Diego County Medical Examiner's Office for a medical review to be conducted. The deceased's next of kin shall be contacted and advised by Investigations personnel. The city attorney shall be notified of all in custody deaths.

There shall be a medical and operational review of every in custody death. The operational review team shall include the same members as a shooting review board.

Effective July 1, 2024, Senate Bill 519 established the In-Custody Death Review (ICDR) Division within the Board of State and Community Corrections. To align with the legislative changes that created an ICDR Division within the BSCC, Title 15 Section 1046, in custody deaths, was amended and now requires designated facility administrators to:

1. Submit the in-custody death report required by Government Code section 12525 to the BSCC within 10 days of the death; California Department of Justice Form (BCIA 713) must also be attached at the end of this online form. Use the following link to access the online form to provide the 10-day Notice of Death:
<https://app.smartsheet.com/b/form/a6fa3a93b94c453fbc9ac44ac5bfcdc0>
2. Conduct an initial review and complete a written report of every in-custody death within 30 days of the death, hereto referred to as the Initial Death Review Report; and
3. Submit a copy of the Initial Death Review Report for every in-custody death to the BSCC within 60 days of the death. The designated facility administrator shall provide a copy of the initial review report complying with the disclosure requirements of section Penal Code 832.10. Use the following link to access the online form to submit the Initial Death Review Report:

<https://app.smartsheet.com/b/form/87d2602f2ff4472ba9f2e5d8269367d8>

4. In any case in which a minor dies while detained in a jail, lockup, or court-holding facility, the BSCC may inspect and evaluate the jail, lockup, or court-holding facility pursuant to the provisions of this subchapter within 30 calendar days of the death. Any inquiry the Board makes shall be limited to the standards and requirements outlined in these regulations. NOTE: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Sections 832.10, 6030, 6034, Penal Code.
5. All documents and links to assist with ICDR data reporting are located on the ICDR Reporting Resources web page found here: <https://www.bscc.ca.gov/in-custody-deathreview-division/>

Direct any questions regarding ICDR data reporting requirements and procedures to ICDRReporting@bscc.ca.gov.

XIV. SEXUAL ABUSE / HARASSMENT PREVENTION AND REPORTING

- A. Zero tolerance in the prevention of sexual abuse and sexual harassment (1029 (a)(10)):
 1. The Escondido Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.
 2. The Escondido Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029)
- B. Policy and procedure to detect, prevent, and respond to retaliation against any staff or person after reporting any abuse (1029 (a)(11)):
 1. Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):
 - a. Sexual abuse
 - b. Sexual harassment
 - c. Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
 - d. Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment
- C. Individuals in custody shall be notified of the Department's zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse

or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

- D. Release policy, including release planning for incarcerated persons (1029 (a)(12):
 - 1. Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):
 - a. Sexual abuse
 - b. Sexual harassment
 - c. Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
 - d. Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment
- E. The Escondido Police Department will ensure that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-23-20	NO: 4.7 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: NOTICE TO APPEAR RELEASE OF MISDEMEANOR PRISONERS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.7 Patrol/Traffic, dated April 21, 2016.

I. PURPOSE

The California Legislature, by Section 853.6 of the Penal Code, has authorized the release of misdemeanor prisoners on a written promise to appear. This Department Instruction establishes the policy and procedures to be followed in order to comply with these requirements for adults and juveniles.

II. LEGAL REQUIREMENTS PER PENAL CODE SECTION 853.6(a)

In any case where a person is arrested for a misdemeanor offense, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the person is released, the officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of the person, the offense charged, and the time when, and place where, the person shall appear in court. If, pursuant to subdivision (i), the person is not released prior to being booked and the officer in charge of the booking or his or her superior determines that the person should be released, the officer or superior shall prepare a written notice to appear in a court.

In any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, as defined in subdivision (b) of Section 13700, or arrested pursuant to a policy, as described in Section 13701, the person shall be taken before a magistrate instead of being released according to the procedures set forth in Section 853.6.

III. POLICY FOR RELEASE

- A. The Watch Commander or shift sergeant will be responsible for making the decision to release or to hold misdemeanor prisoners. In making their decision, they will need to rely on the recommendations of the arresting officer and adhere to current San Diego Sheriff's Department acceptance criteria.
- B. All persons arrested on misdemeanor charges will be considered for a notice to appear release unless the person falls into one of the categories listed in Penal Code Section 853.6(i).

- C. If a person qualifies for a release on a notice to appear, the issuing officer will schedule their appearance eight weeks from the issuing date and in the Superior Court in which the offense occurred.

IV. P.C. 849b(2) RIGHT OF A PEACE OFFICER TO RELEASE PERSON FROM CUSTODY

- A. Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:
 - 1. The person was arrested for intoxication only and no further proceedings are desirable.
 - a. Per 851.6 of the California Penal Code, Form R24, Escondido Police Department Certificate of Release, shall be completed in the name of the arrestee in duplicate. The original shall be given to the arrestee upon release, and the copy shall be made a permanent part of the booking.

V. COUNTY JAIL POLICY

County Jail personnel will screen misdemeanants booked into their jail and will release them when the prisoners meet their criteria.

VI. OFFICER'S REPORT AND THE NOTICE TO APPEAR

- A. Each Notice to Appear citation must be accompanied by a complete report regarding the incident, submitted on the appropriate departmental forms, or have appropriate officer's notes recorded on the back of the officer's copy of the citation.
- B. All the elements of the offense must be present before a Notice to Appear citation is issued and must be recorded in the report submitted with the citation.

VII. NOTICE TO APPEAR CITATIONS

A. Adults

The District Attorney's office has requested:

- 1. When an adult subject is arrested and booked for felony charges and has additional misdemeanor or infraction charges, no additional citation is required. All charges should be listed in the RMS booking report and the information regarding those charges should be covered in the arrest report.
- 2. When an adult subject is booked only on warrants or parole hold 3056 P.C., and also charged for other offenses that do not meet San Diego Sheriff's

booking criteria, a citation shall be issued for the offenses that do not meet the booking criteria. The suspect's signature shall be obtained on the citation and given an appearance date for court where the offense is normally heard.

3. The arrested person should be given the violator's copy of the citation.
4. When the booking process is completed, scan and attach the citation to the case in RMS then submit the white/pink copies of the Notice to Appear to the Records Division. The pink copy of the Notice to Appear will continue to be retained by the Records Division.
5. When a person is arrested for a misdemeanor violation and a field release is appropriate, the officer shall affix an instructions sticker on the back of the violator's copy of the citation, indicating their requirement to be fingerprinted prior to their court date.

B. Juveniles

1. When a Notice to Appear is filled out on a juvenile offender, it shall be completed in the same manner as an adult Notice to Appear, with the addition of the completion of a Juvenile Contact Report to obtain the following information.
 - a. Name of parents or legal guardians;
 - b. The parents' address, if different from the juveniles;
 - c. The parents' home and work phone numbers;
 - d. The school the juvenile attends.
2. The appearance date will follow the current Records Division protocol.
3. All Notices to Appear involving juveniles will be routed to the appropriate Investigations Division by the Records Division.
4. Criteria for field release of juveniles:
 - a. The juvenile must be at least 14 years of age.
 - b. Only on misdemeanors, such as 484s and B&P violations. Juvenile H&S violators will NOT be released on a Notice to Appear in the field. They should be brought to the station and may be released into the custody of their parents on a Notice to Appear citation. When appropriate, officers may directly transport juveniles to their residence and release them to their parent or guardian after the completion of a

Juvenile Contact Report. Officers will not release juveniles to their parents or guardians if the juvenile cannot be controlled by the parents or guardians.

- c. Officers will NOT issue a Notice to Appear to any intoxicated juvenile.
- d. The juvenile must possess adequate identification, either a CDL or student ID. If the juvenile can positively be identified in some manner, then the Notice to Appear would be appropriate.
- e. If there is a large dollar amount involved or a great deal of sophistication, the juvenile should be booked.
- f. If the officer feels that it is necessary for any other reason, to bring the juvenile to the station, then the officer should do so.
- g. The juvenile shall be advised to show the Notice to Appear to his/her parents.

5. Schools:

When officials call regarding a juvenile problem and there is probable cause to arrest, the juvenile shall NOT be released on a Notice to Appear, but will be transported to the station for the appropriate disposition.

6. Juvenile Detectives at School:

- a. Detectives contacting a juvenile on a follow-up investigation at a school have the option to release the juvenile on a Notice to Appear and a Juvenile Contact Report completed in RMS.
- b. Detectives will follow the same criteria for notification of parents as Patrol officers when releasing on a Notice to Appear.

7. Juveniles Under 14:

Generally, juveniles under 14 will be brought to the station and released to their parents. If contact with parents cannot be established, a Juvenile Contact Report completed in RMS and the juvenile will be transported to his/her residence. An attempt to notify a relative or neighbor should be made. Parties should be advised to contact the arresting officer or juvenile detectives. When appropriate, officers may directly transport juveniles to their residence and release them to their parent or guardian.

VIII. ACCEPTABLE SUSPECT IDENTIFICATION

- A. Prior to release on a written notice to appear, the arrestee shall be positively identified. The following valid forms of identification are acceptable:
 - 1. Arrestees may be identified in the following manner:
 - a. Verifiable government photo identification card;
 - b. A combination of government issued documents of which at least one provides a physical description that matches the individual being identified.
 - 2. Officers will document in their written report how the arrestee was identified. Any time the officer cannot verify the identity of the arrestee, the officer shall transport the arrestee to the station for photographing and fingerprinting. The transport to the station can be waived by an on-duty supervisor based on the needs of the organization.
 - 3. A valid *Matricula Consular Card* is an acceptable form of identification in misdemeanor cite and release situations.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-06-21	NO: 4.8 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: ARRESTS FOR DUI AND CHEMICAL TESTS FOR INTOXICATION	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes 4.8 Patrol/Traffic, dated July 21, 2017.

I. PURPOSE

The purpose of this document is to provide the procedures to be used and the reports to be submitted when documenting an arrest for driving under the influence. Also, to provide the procedures to be used when complying with CVC 13353 and CVC 23158 (the sections which regulate “chemical testing” for evidence of “under the influence”).

II. ENFORCEMENT POLICY

Suspected violators shall be stopped, and whenever possible, given the appropriate field sobriety tests and arrested, if believed to be under the influence of alcohol, drugs/prescription medications, or a combination of alcohol and drugs/prescription medications.

III. ARREST PROCEDURES

- A. Determine whether probable cause for a traffic stop exists, whether the person can be placed as the driver, or whether the person can be determined to be the driver of an involved vehicle at a traffic collision.
- B. Check for objective symptoms of intoxication.
- C. Whenever possible, conduct a field sobriety test to determine if impairment is sufficient to establish probable cause for arrest (Form EsPD #45).
- D. The arrest should be based on driving, objective symptoms observed, and the performance of the detainee during the field sobriety test performance. If the driver refuses to submit to a field sobriety test, it should be to the officer's discretion to arrest. It is not mandatory that drivers take a field sobriety test and officers are cautioned that this refusal should not be used as consideration for probable cause to arrest.

IV. CHEMICAL TESTS, ADVISEMENT PROCEDURES

- A. Advise the arrestee of the chemical test requirements established under CVC 13353 (Form DS 367).
- B. The requirements of CVC 13353 apply to all subjects operating a vehicle in the State of California.
- C. If the arrestee refuses to consent to completion of a chemical test, read the chemical test admonition verbatim from DMV form (DS 367) pursuant to CVC 23612 and CVC 23154. If after having the Implied Consent Statement read the subject still refuses one of the tests, a completed Refusal Form must be submitted with the Arrest Report (the back of the DS 367). Unless the arrestee is a 4th Waiver, a search warrant must now be obtained using the established protocols.
- D. Allow the arrestee to select their own test. Do not try to influence the subject to take one type of test over another. If, due to technical reasons, a test is unavailable, advise the arrestee of the unavailability before an alternative test is selected.
- E. If the arrestee refuses to make the decision and asks the officer to make the decision for them, then select the breath test. Inform the arrestee of the selection and obtain their consent for that test.
- F. If a breath test is obtained, the officer will advise the arrestee per CVC 13353.5 of their opportunity to also provide a blood sample by reading them EsPD form #179 verbatim.

V. CHEMICAL TESTS

- A. Blood Tests
 - 1. Blood tests will be conducted at EPD, or other location as necessary (i.e., PMC, VDF, etc.), by the on-call licensed Clinical Laboratory Scientist.
 - 2. The blood sample(s) will be entered into evidence in the Property & Evidence cold storage refrigerator and logged into QUETEL by the arresting or assisting officer. The arresting officer will complete the SDSO Property/Evidence form in QUETEL. Document the unbroken chain of custody in the arrest report.
 - 3. Inquire as to whether the arrestee is suffering from any infectious and communicable disease, including HIV-AIDS, and if the response is affirmative, inform the licensed Clinical Laboratory Scientist that collects the sample. (Due to confidentiality provisions of the law, the arrestee's response shall not be noted in any police report).

4. Arrestees with the following types of conditions are exempt from submitting to a blood test. They will be required to submit to a breath test for alcohol or a urine test for drugs/prescription medications.
 - a. A hemophiliac;
 - b. A heart patient taking anticoagulant medication.
5. The officer should complete the chemical test portion of the DUI Arrest Report and make note as to the date, time and location where the test was completed, as well as the licensed Clinical Laboratory Scientist that drew the sample.

B. Urine Tests

1. Urine tests should only be used if no other test is feasible. If using a urine test, a first void and second void must be obtained. The second void must be obtained at least 20 minutes after the first void was obtained.
2. The urine sample(s) will be entered into evidence in the Property & Evidence cold storage refrigerator and logged into QUETEL by the arresting or assisting officer. The arresting officer will complete the SDSO Property/Evidence form in QUETEL.
3. If the arresting officer and arrestee are of the same sex, the arrestee should be brought to the Escondido PD to complete the first void of the arrestee's bladder, and to collect a sample prior to transportation to Vista Jail.
4. Record the times of the first and second void on the Intoxicated Driver Report Form (EsPD #45).
5. Inquire as to whether the arrestee is suffering from any infectious and communicable disease, including HIV-AIDS, and if the response is affirmative, follow established EPD protocol for collecting and retaining the sample. (Due to confidentiality provisions of the law, the arrestee's response shall not be noted in any police report.)

C. Breath Tests

1. Breath tests will be conducted at the Escondido Police Department whenever possible.
2. The breath test will be conducted by a qualified operator of the "Intox EC/IR II."

3. An "Intox EC/IR II" Precautionary Checklist will be completed with each breath test.

VI. CHEMICAL TESTS FOR EMERGENCY ROOM OR HOSPITALIZED

A. Tests

1. Advise the arrestee of the chemical test requirements required in accordance with CVC 13353.
2. In accordance with CVC 23612, if the breath test is not available, the arrestee shall submit to a blood test. If incapable of providing a blood test due to hemophilia or using an anticoagulant, the person shall be deemed to have given their consent to chemical testing of their urine and shall submit to a urine test.
3. If the arrestee refuses to select another test, read the chemical test admonition verbatim from DMV Form (DS 367) pursuant to CVC 23612 and CVC 23154. After the chemical test admonition has been completed, if the subject still refuses one of the tests, a completed Refusal Form must be submitted with the Arrest Report. Unless the arrestee is a 4th Waiver, a search warrant will have to be obtained using established protocols in order to collect a sample.
4. If the arrestee is severely injured or unconscious, the arresting officer must obtain the permission from the doctor treating them in order to collect a blood sample. Unless the arrestee is a 4th Waiver, a search warrant will have to be obtained using established protocols.

B. Blood

1. Blood samples will be collected by the on-call licensed Clinical Laboratory Scientist.
2. Blood samples will be entered into evidence in the Property & Evidence cold storage refrigerator and logged into QUETEL by the arresting or assisting officer. The arresting officer will complete the SDSO Property/Evidence form in QUETEL. Documentation of the unbroken chain of custody will be included in the arrest report.

C. Urine

1. Collect the first void.
2. Collect the second void at least 20 minutes later.

3. Urine sample(s) will be entered into evidence in the Property & Evidence cold storage refrigerator and logged into QUETEL by the arresting or assisting officer. The arresting officer will complete the SDSO Property/Evidence form in QUETEL.

VII. RELEASE AND DOCUMENTATION OF INTOXICATED DRIVERS

A. Jail Booking

1. Whenever possible, subjects arrested for DUI will be booked into Vista Jail.
2. If, for reasons such as medical, it is not possible to transport and book the subject, then either a citation will be issued or an arrest warrant will be requested.

B. Documentation of Release

1. Document in the report the disposition of the subject.
2. If not booked into jail, utilize Department protocol to either cite the subject, or to request the issuance of an arrest warrant.

VIII. REPORTS REQUIRED

A. Driving-Under-the-Influence Arrest Report (EsPD #45).

1. This form must be completed with every driving under-the-influence arrest.
2. The narrative report shall be written in Net/RMS.
3. All forms not generated in Net/RMS shall be scanned into RMS, including page two of the DS 367 form in the event of a refusal.

- B. An Emergency Cost Recovery Statement (EsPD #111) will be completed by a representative appointed by the Traffic Division and routed to the City Finance Department for billing.

IX. INTOXICATED DRIVER ARRESTS INVOLVING TRAFFIC ACCIDENTS

Traffic accidents involving intoxicated drivers must be investigated following the guidelines established by Department Instruction 4.10, in addition to documentation required by this Department Instruction.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 05-11-18	NO: 4.9 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: CHEMICAL TEST PROCEDURES DRUGS OR NARCOTICS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.9 Patrol/Traffic, dated August 9, 2007.

A. PURPOSE

To differentiate between tests for D.U.I. arrests and drugs/narcotics

II. GENERAL

There is little difference in the procedures for chemical tests for alcohol, drugs, and narcotics. They are as follows:

- A. Blood Tests: Contact Dispatch and request that the on-duty lab technician respond to the station for a blood draw. The blood sample will be placed in a sealed envelope and secured in the locked refrigerator inside the Property and Evidence Room refrigerator by the lab technician. The arresting officer will complete an SDSO lab request. The Property Unit will arrange for the blood sample to be transported to the SDSO Crime Lab during the weekly routine trip.
- B. Urine Tests: Bring the subject to the station; obtain a plastic urine collection bottle from the jail, and have the subject provide a urine sample. Attempt to collect one-half bottle of urine. The minimum amount for complete testing is 10 milliliters, or approximately one-third ounce. If less than 10 milliliters of urine is collected, a blood sample should be obtained. Officers will submit any amount of urine collected. Under no circumstances will an officer fail to submit a collected sample.

Fill out a label, and affix it to the urine bottle. The urine sample will be placed in a sealed KPAC bag and secured in the locked refrigerator inside the Property and Evidence Room refrigerator by the lab technician. The arresting officer will complete an SDSO lab request. The Property Unit will arrange for the urine sample to be transported to the SDSO Crime Lab during the weekly routine trip.

- C. Injured Subjects: If a subject is taken for medical treatment and a blood sample is needed, follow the procedure for Blood Tests except have the lab technician respond to the medical facility.

If a urine sample is needed, obtain a plastic urine collection bottle from the jail; then follow the same procedure for Urine Tests.

If the subject is severely injured or unconscious, then the arresting officer must obtain permission from the treating physician before a blood sample is drawn.

- D. Photographs: If photographs of the subject are desired, officers should utilize their body worn cameras to secure photographic and/or video evidence of the collection.
- E. Selecting Blood or Urine Tests: Some substances require a blood test, while others require a urine test. Officers should refer to the SDSO “Blood and Urine Toxicology Panel” dated March 1, 2018, for guidance in determining whether to select a blood or urine test. The form is posted in the jail and included in this Instruction as an attachment.



**SAN DIEGO SHERIFF'S DEPARTMENT
REGIONAL CRIME LABORATORY**
5590 Overland Ave., San Diego, CA 92123
(858) 285-6300



BLOOD AND URINE TOXICOLOGY PANEL

Effective May 1, 2020, the following 6-panel drug screen will be performed on ALL blood and urine samples sent for toxicology analysis:

AMPHETAMINES

Amphetamine
Methamphetamine
MDMA (Ecstasy)

OPIATES

Heroin
Morphine
Codeine
Hydrocodone

COCAINE

PHENCYCLIDINE (PCP)

CANNABINOID (THC)

BENZODIAZEPINES

Alprazolam (Xanax, Niravam)
Bromazepam
Bromazolam
Chlordiazepoxide (Librium, Libritabs, Mitran)
Clobazam
Clonazepam (Klonopin, Rivotril, Clonex)
Clonazolam
Delorazepam (EN, Dadumir)
Diazepam (Valium, Antenex)
Diclazepam (chlorodiazepam, Ro5-3448)
Estazolam (ProSom, Eurodin)
Etizolam
Flualprazolam
Flubromazepam
Flubromazolam
Flunitrazepam (Rohypnol)
Flunitrazolam
Flurazepam (Dalmane, Dalmadorm)
Lorazepam (Ativan, Temesta)
Midazolam (Versed, Dormicum)
Nitrazepam
Nitrazolam
Oxazepam (Serax, Murelax)
Pyrazolam (Pyraz)
Temazepam (Restoril, Normison)
Triazolam (Halcyon, Hypam)

DATE RAPE PANEL

All urine samples from SART kits will receive a comprehensive toxicology screen that includes over 150 drugs, including GHB. Additional drug confirmations will be done in blood samples when available.

Any drugs needed beyond those included in the 6-panel screen **MUST BE REQUESTED SPECIFICALLY**. Requests for general classes of compounds such as "Depressants," "Narcotic Analgesics," or "Prescription Drugs," as well as requests written on the sample packaging, will not be processed.

IF A BARBITURATE IS SUSPECTED, please request it specifically since it is no longer included in the above listed 6-panel drug screen.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 05-16-24	NO: 4.10 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: DOCUMENTATION OF TRAFFIC COLLISIONS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.10, dated November 23, 2022.

I. PURPOSE

- A. The purpose of this Instruction is to provide a procedure for the investigation and documentation of traffic collisions.
- B. To establish procedures for reviewing collisions involving Police Department vehicles and personnel to determine the responsibility for the occurrence.

II. POLICY

- A. Traffic collision reports are utilized by a large number of Federal, State and Municipal governmental agencies, insurance companies and other legal professionals. It is imperative that these reports be high quality, professional documents. Officers are responsible for strict adherence to the procedures contained within this Department Instruction.
- B. Officers shall investigate all collisions involving the following:
 - 1. Injury or death.
 - 2. Driving “while under the influence” related collisions.
 - 3. Hit-and-run collisions with injury.
 - 4. Hit-and-run collisions with workable suspect information and where the victim desires prosecution.
 - 5. Collisions involving City vehicles that involve injury or damage to other than City property (see section I below).
 - 6. Collisions involving government vehicles when requested.
 - 7. Collisions involving a school bus where pupils were not being transported.
 - 8. Late reported collisions with injury.
 - 9. Non-injury collisions which occurred during a pursuit or a Code 3 response.
- C. Collisions shall be documented utilizing the Crossroads computer program.
- D. Non-injury hit-and-run collisions with no workable suspect information may be documented in CAD. Officers shall provide the victim with their name, ID number, and the incident number. If CAD comments are appropriate, officers shall include the following:
 - 1. Victim’s name, address, phone number

2. Victim's license plate number
 3. Victim's insurance information
 4. Damage to vehicle
 5. Witness name and phone number (if applicable).
- E. When an officer is called to a non-injury collision that involves damage to City of Escondido property (i.e., traffic signals, signs, buildings, walls, etc.) the following shall occur.
1. The officer will provide the below information in CAD and notify a field supervisor.
 2. The field supervisor will evaluate for City liability issues and ensure the CAD information is complete.
 3. The field supervisor shall email the incident number and CAD information to Police City Damage Notification.
 - a. CAD Information
 - (1) Driver's name and DOB
 - (2) Driver's license number
 - (3) Vehicle information
 - (4) Insurance company and policy number
 - (5) A description of the City property that was damaged
 - (6) A brief description of what caused the damage
- F. The Traffic Collision Information Form (ESPD #269) or exchange of information printed through Crossroads shall be provided to parties involved in a collision. Officers shall assist with this process to ensure that reliable and accurate information is exchanged.
- G. Per the requirements set forth by the Statewide Integrated Traffic Records System (SWITRS), reports shall be prepared, reviewed and approved within a ten (10) business day completion time frame. Exceptions to this would be cases where a suspect is in custody, at which time normal EPD "in-custody" report guidelines shall be followed.
- H. When a collision investigation is beyond the level of training of the officer investigating the collision, the officer should seek the assistance of qualified personnel who possess a higher level of training and expertise.
- I. Documentation of collisions involving City vehicles. (For City Police vehicles, refer to Section V. PROCEDURE & REVIEW OF POLICE VEHICLE COLLISIONS)

1. When a reportable traffic collision occurs involving an Escondido City vehicle, the on-duty shift supervisor shall ensure a collision report is completed. The supervisor shall email a summary of the event to "Police City Damage Notification" before the end of the shift. The summary should include a brief synopsis of how the event occurred, including: the name(s) of the involved parties, insurance information, the party at fault (if known), the City vehicle number, a description of the damage, any injuries involved and the incident number assigned to the event.
2. When a non-reportable collision occurs involving an Escondido City vehicle, the on-duty shift supervisor shall prepare an officer's report in RMS. The supervisor shall then email a summary of the event to "Police City Damage Notification" before the end of the shift. The report and summary should include a brief synopsis of how the event occurred, including: the name(s) of the involved parties, insurance information, the party at fault (if known), the City vehicle number, a description of the damage, any injuries involved and the incident number assigned to the event.

III. CATEGORIES OF COLLISION DOCUMENTATION

A. INVESTIGATION

1. The purpose of an INVESTIGATION is to document a collision to support possible prosecution and establish responsibility for the event.
2. Collisions that shall be documented in an INVESTIGATION format include:
 - a. Fatals.
 - b. *Serious* injury collisions. "Serious injury" may be defined as, but is not limited to, any injury that results in a debilitating or life altering condition or any other injury where long-term care may be probable. Examples may include:
 - (1) Any brain injury other than a concussion.
 - (2) Any injury resulting in paralysis.
 - (3) Injuries that require amputation.
 - (4) Loss of a limb or sight.
 - c. Collisions where emergency vehicles were a directly involved party to the collision:
 - (1) During Non-Code 3 driving of an on-duty emergency vehicle when someone other than the city employee is injured.
 - (2) During a vehicle pursuit or Code 3 driving when an uninvolved party sustains injury.

- (3) During a vehicle pursuit or Code 3 driving when any involved party sustained major injuries.
3. Any collision where a Traffic supervisor deems it necessary that the collision be documented in this format.
4. An INVESTIGATION shall be documented in the following format:
 - a. NOTIFICATION:
 - (1) Type of collision, time, and date call was received and time of arrival.
 - (2) Location of collision and where the officer responded from.
 - (3) Other emergency personnel at the scene.
 - (4) Statement that speeds and measurements are approximate unless otherwise noted.
 - b. SCENE:
 - (1) Description of involved roadways. This may include surface conditions, markings, speed limits, obstructions, lighting, signals, etc.
 - (2) Any other environmental conditions that may have contributed to the collision.
 - c. VEHICLES:

Description of involved vehicles (including damage), points of rest, any noted mechanical defects.
 - d. EVIDENCE:
 - (1) Describe any evidence such as skid marks, scuffmarks, gouges, debris, etc. For skid marks, include location and length.
 - (2) For hit-and-run collisions, provide a statement of any collected or observed evidence such as paint transfer, vehicle damage, debris, etc.
 - (3) If a pedestrian is involved, collect clothing, if applicable.
 - (4) Photographs and the identity of who took them.
 - (5) Disposition of any evidence collected.
 - e. AREA OF IMPACT:

Describe the location of the area of impact and how it was determined.

f. INJURIES:

Provide a brief description of injuries for each involved party. If a fatality, indicate time death was pronounced and by whom. Include the Coroner's case number.

g. INVOLVED PARTY STATEMENTS:

- (1) Obtain a statement from each party and witness regarding pre-impact event(s), at-impact event(s), and post-impact event(s).
- (2) Name of involved party and how identified. If no statement was obtained, explain why (unconscious, too intoxicated, deceased, etc.).

h. WITNESS STATEMENTS:

- (1) Name of witness and how determined.
- (2) Location of witness when observation was made.
- (3) When multiple witness statements are obtained and are determined to be similar in content, write a separate statement for each witness. Do not say "witness one stated the same as witness two."

i. INTOXICATION:

When alcohol or drugs are involved, a general statement indicating field sobriety tests were given and the party was under the influence.

j. SUMMARY:

- (1) This is the officer's opinion, presented in a time sequential order, of how the collision occurred. The summary should include the following:
 - (a) Speed, lane and direction of travel for each vehicle; distance behind the vehicle ahead; or other important information such as: distance from stop sign, location when party observed signal light change, etc.
 - (b) Driver actions, reactions to errant vehicles, defective equipment, mechanical condition of vehicle, significant roadway features, weather conditions, etc.

k. CAUSE:

State a complete description of how the collision occurred (based on physical evidence, statements, etc.) and the determination of the Primary Collision Factor (PCF) by the party at fault. EXAMPLE: D-1 (Smith) caused the collision by a violation of CVC 21801 (a) Failure to Yield the Right-of-Way.

1. RECOMMENDATIONS:

- (1) Indicate any follow-up action needed.
- (2) Indicate if the case needs to be forwarded to the District Attorney's Office for prosecution or review. Include all charges sought.
- (3) If there are no recommendations, state "None."

B. REPORT

1. The purpose of a REPORT is to document all other types of collisions to establish the primary collision factor.

NOTE: In instances where citations are issued at the scene of a non-injury collision for general license violations, such as Vehicle Code Sections 12500(a), 12951(a), 14601 (all) or violations involving financial responsibility requirements, a collision REPORT is NOT required.

2. Examples of collisions that can be documented in the REPORT format include:
 - a. "Minor injury" collisions.
 - b. DUI related collisions that involve no injury or minor injury.
 - c. During a pursuit or Code 3 response when the driver of the pursued vehicle or the officer are the only parties to sustain minor injuries as a result of the collision.
 - d. When a City or other government vehicle (when requested) is an involved party of the collision and there are no injuries.
 - e. Non-injury hit-and-run collisions with workable suspect information and the victim desires prosecution.
 - f. Non-injury collisions which occurred during a pursuit or a Code 3 response.
 - g. Hit-and-run collisions that result in MINOR injury but are still classified as felonies.
 - h. Collisions involving school buses where pupils are not being transported.
 - i. Collisions where citations are issued for the cause of the collision.

3. A REPORT shall be documented in the following format:

- a. NOTIFICATION

- (1) Type of collision, location, time, and date call was received and time of arrival.
- (2) Statement that speeds and measurements are approximate unless otherwise noted.

b. STATEMENTS

- (1) Obtain a statement from each party and witness regarding pre-impact event(s), at-impact event(s), and post-impact event(s).
- (2) Name of involved party and how identified.
- (3) Witness statements, if any, shall be included. When multiple witness statements are obtained and are determined to be similar in content, write a separate statement for each witness. Do not say "witness one stated the same as witness two."
- (4) Statements should clarify where the involved party was located, the lane of travel, the speed of each vehicle and distance behind the vehicle ahead prior to the collision (if applicable). Statements may be paraphrased to give a concise, time sequential summary of the events which caused the collision.

c. INTOXICATION:

When alcohol or drugs are involved, a general statement indicating field sobriety tests were given and the party was under the influence.

d. SUMMARY / CAUSE:

- (1) This is the officer's opinion, presented in a time sequential order, of how the collision occurred. The summary should include the following:
 - (a) Speed, lane and direction of travel for each vehicle; distance behind the vehicle ahead; or other important information such as: distance from stop sign, location when party observed signal light change, etc.
 - (b) Driver actions, reactions to errant vehicles, defective equipment, mechanical condition of vehicle, significant roadway features, weather conditions, etc.
 - (c) State a complete description of how the collision occurred (based on physical evidence, statements, etc.) and the determination of the Primary Collision Factor (PCF) by the party at fault. EXAMPLE: D-1 (Smith) caused the collision by a violation of CVC 21801 (a) Failure to Yield the Right-of-Way.

e. RECOMMENDATIONS:

- (1) Indicate any follow-up action needed.
- (2) Indicate if the case needs to be forwarded to the District Attorney's Office for prosecution or review. Include all charges sought.
- (3) If there are no recommendations, state "None."

4. Other headings may be used to address topics *specific* to the report such as Hit and Run, Physical Evidence and Additional Information.

C. LEGAL INTERVENTION

1. Definition: Police vehicles sustaining damage, as the result of an intentional act on the part of the officer during the course of arresting, or attempting to arrest lawbreakers, suppressing disturbances or maintaining order is considered “legal intervention.” Damage to vehicles resulting from these events are NOT CONSIDERED COLLISIONS by definition and shall be documented within the crime or arrest report. A special studies notation of “Use of Force” shall be indicated on the report.
2. If, when intentional acts are committed, injury or damage goes beyond the original intent, the excessive acts are considered accidental and meet the definition of a motor vehicle collision.
3. Examples of legal intervention:
 - a. A police vehicle intentionally collides with a pursued vehicle in an attempt to terminate the pursuit.
 - b. A police vehicle cuts in front of a car to force the car to the curb or shoulder and, as a result, the two cars collide.
 - c. A fleeing suspect is “boxed in” to prevent escape.
4. Refer to Department Instruction 1.24 for use of force policy and guidelines.

IV. TRAFFIC DIVISION RESPONSIBILITIES / “CALL OUT” CRITERIA

- A. Collisions involving Federal, State, and County vehicles (when requested), or City of Escondido vehicles, occurring within the City of Escondido, should be investigated by the Traffic Division when on duty.
- B. If Traffic Division personnel are not available, the collision shall be investigated under the direction of the on-duty shift supervisor.
- C. In those instances where Traffic Division personnel are not working and their expertise is required for the investigation of a collision, the on-duty shift supervisor may request a “call out” via the Traffic Division sergeant, including but not limited to:
 1. A pursuit collision where an innocent bystander sustained minor injury from the collision.
- D. Examples of collisions that may warrant members of the Traffic Division to be “called out” include, but are not limited to:
 1. All collisions involving a fatality.
 2. Any serious injury collision or other type of collision that goes beyond the resources or expertise of the Patrol Division.

V. PROCEDURE & REVIEW OF POLICE VEHICLE COLLISIONS

A. On-Duty Supervisor's Responsibility

1. When a reportable traffic collision occurs involving an Escondido Police vehicle, the on-duty shift supervisor shall ensure a collision report is completed. The supervisor shall forward a copy of the report to the Traffic Division sergeant and email a summary of the event to "Police Fleet Collision Notification" before the end of the shift. The summary should include a brief synopsis of how the event occurred, including: the name(s) of the involved parties, insurance information, the party at fault (if known), the police vehicle unit number, a description of the damage, any injuries involved and the case number assigned to the event.
2. When a non-reportable collision or legal intervention occurs involving an Escondido Police vehicle, the on-duty shift supervisor shall prepare an officer's report in RMS. The supervisor shall forward a copy of the report to the Traffic Division sergeant and email a summary of the event to "Police Fleet Collision Notification" before the end of the shift. The report and summary should include a brief synopsis of how the event occurred, including: the name(s) of the involved parties, insurance information, the party at fault (if known), the police vehicle unit number, a description of the damage, any injuries involved and the case number assigned to the event.

B. Collision Review Committee Responsibility

1. After approval by a supervisor, a copy of all collision and/or officer's reports involving City vehicles (or equipment) shall be forwarded to the Traffic Division sergeant.
2. The Department's Collision Review Committee will then review each of these collisions and/or officer's reports to determine whether the collision was preventable or not, and shall be categorized as follows (source: City Administrative Directive 3):
 - a. Preventable – Any damage caused by:
 - (1) The employee as a result of haste or in failing to observe safety procedures; or
 - (2) The employee that is the result of an action or inaction on the part of operator, that would not have occurred if the vehicle had been operated in a safe and defensive manner.
 - b. Not Preventable – Any damage caused by an employee operating a vehicle under the following circumstances:
 - (1) When properly and legal parked; or
 - (2) Proven mechanical failure not previously known to the driver; or
 - (3) Circumstances beyond the control of the driver and where his or her conduct did not contribute to the circumstance.

- c. Operational: Any damage incurred whenever an employee has used reasonable care and judgment, but because of the nature of the work or job assignment, an unusual circumstance beyond the control of the driver materially contributed to the collision.

In order for an employee to avoid being involved in a preventable accident, each driver should understand and practice the concept of defensive driving. Defensive driving is driving so as to prevent accidents in spite of the incorrect actions of others and adverse driving conditions; such as light, weather, road, traffic, vehicle condition, and the driver's physical and/or mental state.

- 3. All traffic collisions involving Police Department vehicles and operated by sworn, full-time officers shall be labeled "ON-DUTY EMERGENCY VEHICLE" within the "Special Conditions Box" and after the name of the driving officer (operator) on the CHP 555 form.

NOTE: Insurance Code Section 488.5 prevents an insurance company from increasing the rates for a sworn peace officer for the reason that the peace officer was involved in a collision while operating an authorized emergency vehicle. However, Insurance Code Section 557.6 requires that the peace officer must notify their insurance company in writing of the collision and that they were driving an authorized emergency vehicle. This requirement can be satisfied by sending the private insurance carrier a copy of the collision report. An authorized emergency vehicle is a publicly owned vehicle operated by a peace officer.

- 4. If it is determined that the employee was involved in a non-preventable collision or it was deemed operational damage by the Collision Review Committee, the Bureau Captain of the involved employee will be informed by memorandum and no further action will be required.
- 5. If it is determined by the Collision Review Committee that the employee was involved in a preventable collision, a memorandum will be forwarded to the administrative lieutenant, and cc'd to the Bureau Captain of the involved employee.
 - a. The employee's administrative lieutenant will review the collision and/or officer's report and the employee's driving record to concur with the type of disciplinary action recommended by the Collision Review Committee.
 - b. The lieutenant will forward the results of the review to the Bureau Captain, who will forward the results, via the Chief of Police, to the Traffic Division sergeant, including what action was taken.
 - c. Disciplinary recommendations will be processed and addressed through normal channels.

C. Disciplinary Procedures

- 1. In the event remedial training or disciplinary action is necessary, disciplinary procedures, as set forth within the *City Manager's Administrative Directive 3*, shall be followed.

2. The City's guidelines for the first three degrees of disciplinary action are to be considered minimum sanctions, effective with the employee's first violation. The Bureau Captain will, at his discretion, consider the following options in conjunction with City policy:
 - a. Supervisor's Report in personnel file, if appropriate.
 - b. Official reprimand (placed in employee's file).
 - c. Suspension for an appropriate period of time.
 - d. Any other remedial or disciplinary action deemed appropriate.
 - e. In the event it becomes apparent that a physical / medical condition exists (such as poor vision, seizures, etc.), and the condition is correctable, the Bureau Captain may temporarily reassign the employee until such time the condition has been corrected.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-06-19	NO: 4.11 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: FOREIGN NATIONALS AND UNDOCUMENTED PERSONS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.11, dated August 14, 2019.

I. PURPOSE

The purpose of this directive is to (1) provide guidelines for interaction with Foreign Nationals and Undocumented Persons within the city of Escondido; (2) outline procedures for the processing of Foreign Nationals, who may or may not be undocumented; (3) outline the notification procedure necessary for U.S. law enforcement activity in Mexico; and (4) identify the type of communications and cooperation that are permissible under state law between local law enforcement agencies and federal immigration authorities.

II. DEFINITIONS

Foreign National - Any person who is not a U.S. citizen.

Undocumented Person – As used in this Department Instruction, a Foreign National within the United States without the permission of the United States government and in violation of the Immigration and Naturalization Act or other federal law.

Permanent Resident - A Foreign National authorized to live and work in the United States on a permanent basis. As proof of authorized status, the federal government issues a permanent resident card, commonly called a "Green Card."

III. POLICY

Federal, state and local laws protect everyone from criminal acts on U.S. soil, regardless of their immigration status. It is the professional duty of all members of the Escondido Police Department to protect all persons in the community regardless of their immigration status.

Members of the Escondido Police Department shall not investigate, interrogate, detain, or arrest any Foreign National, whether they are undocumented or not, solely because they are perceived to be or are in fact a Foreign National or Undocumented Person.

Furthermore, it is the policy of the Escondido Police Department to comply with all federal laws and treaties regarding Foreign Nationals and to offer assistance and aid to all such individuals within our city. The 1963 Vienna Convention on Consular Relations Treaty, as further outlined in California Penal Code § 834c, provides that law enforcement agencies, upon making an arrest and booking or detention of a Foreign National, shall advise the Foreign National without delay that he or she has the right to communicate with an official from their national consulate. If the Foreign National chooses to exercise that right, the Department shall notify the appropriate agency as described below.

IV. COMMUNICATION AND CONTACT WITH FOREIGN NATIONALS

- A. Diplomatic officials and Foreign Nationals are entitled by treaty to certain rights.
- B. Permanent Residents, holding Green Cards, retain their foreign nationality and are considered Foreign Nationals for the purposes of consular notification.
- C. Current information as to the appropriate office to notify in case of arrest, detention, imprisonment, or death of a Foreign National may be obtained either from the Office of Emergency Services at (858) 565-3490, or the Secretary of State, Office of Special Filings (for death notifications) at (916) 653-3984.
- D. In the event of a contact with a person claiming diplomatic immunity or privilege, contact a supervisor immediately.
- E. California Penal Code § 834c requires every peace officer, upon arrest and booking or detention for more than two hours of a known or suspected Foreign National, to advise the individual of his or her right to contact an official from the consulate of the individual's country. If the individual asks to exercise that right, the arresting agency shall make the appropriate notification to the Foreign National's consulate, and the officer shall document such a request and notification in a report. Many countries, listed in Section 834c(d) (i.e.; Costa Rica and the Philippines), require mandatory notification when a citizen of the country is arrested regardless of any request by the Foreign National.
- F. Foreign Nationals who have been arrested are entitled to communicate with their consular officers. Such officers have the right to visit these individuals, to converse with them and arrange for legal representation.
- G. According to the Vienna Convention Treaty, Article 36(1)(c), consular officers must refrain from taking action on behalf of a Foreign National if the arrested person expressly opposes such action.

V. NOTIFICATION REGARDING DEATH OR SERIOUS INJURY TO FOREIGN NATIONALS

A. Mexican Consulate

A treaty signed by the United States and Mexico in 1943 requires that local officials notify, within 24 hours, the nearest Mexican Consular official in the event of death or serious injury to a Mexican Foreign National. Notification may be made by telephone to any employee of the Mexican Consulate at 1549 India Street, San Diego, at (619) 231-8414 (Monday – Friday, 8:00 a.m. – 1:00 p.m.).

B. All Foreign Nationals

1. The Criminal Investigations Division will be responsible for home country notification in the event of serious non-traffic injury cases.
2. The Traffic Division will be responsible for home country notification in the event of serious traffic injury cases.
3. The Office of the Medical Examiner will normally make home country notification in the event of death.

VI. AUTHORIZATION NEEDED FOR U.S. LAW ENFORCEMENT ACTIVITY IN MEXICO

All U.S. law enforcement officers must contact Mexican Immigration authorities for permission prior to entering Mexico to conduct any law enforcement activity. The District Attorney's Mexican Liaison Office, Deputy District Attorney Juan Jose Briones at (619) 685-6585, is the Escondido Police Department's point of contact.

This requirement applies to all matters including but not limited to interrogations; obtaining declarations; arrests; liaison activities; search and seizures; expulsion/deportation inducement efforts involving Mexican Foreign Nationals or foreign third parties; and any other law enforcement activity.

In addition, all requests for expulsions, deportations or arrests of U.S. fugitives must be made in writing to the headquarters of Servicios Migratorios, via the Regional Delegado. Once the request is approved, the Mexican Immigration Service will coordinate the requested enforcement or liaison action with U.S. authorities in accordance with applicable Mexican law.

Bureau Commander approval is required prior to Escondido Police employees entering the country of Mexico for official purposes. Task force personnel shall follow the directives of the task force to which they are assigned.

Further information on these matters can be obtained by contacting the California Department of Justice, Bureau of Investigation, 9425 Chesapeake Drive, San Diego, CA 92123-1302 at (858) 268-5300.

VII. MATRICULA CONSULAR IDENTIFICATION CARD

The *Matricula Consular* identification card is issued by the Mexican Government to Mexican citizens residing in the United States and other foreign countries to serve as formal identification. In misdemeanor cite and release circumstances, police officers shall accept a valid *Matricula Consular* card as identification for the purposes of a cite and release in the field.

Questions relating to the *Matricula Consular* identification card can be addressed to representatives of the Mexican Consulate located in San Diego at:

1549 India Street
San Diego CA 92115
(619) 231-6634 (business hours)
(619) 843-6399 (after business hours)

VIII. AB 60 CALIFORNIA DRIVER'S LICENSE

In October 2013, Governor Brown signed Assembly Bill 60. AB 60 requires the Department of Motor Vehicles (DMV) to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized by federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the DMV of his or her identity and California residency.

An AB 60 license shall bear the following notice: "This card is not acceptable for official federal purposes." Cal. Veh. Code § 12801.9. Officers shall accept a valid AB 60 license as an acceptable form of identification for the purposes of citations and arrest, whether driving or not.

State and local law enforcement officers are prohibited from using an AB 60 license to consider a subject's citizenship or immigration status as the basis for criminal investigation, detention or arrest. It is a violation of law to discriminate against a person because he or she holds or presents a license issued under Cal. Veh. Code § 12801.9.

IX. COMMUNICATION AND COOPERATION WITH FEDERAL IMMIGRATION AUTHORITIES REGARDING FOREIGN NATIONALS AND UNDOCUMENTED PERSONS

It is the policy of the Escondido Police Department to maintain effective working relationships with all law enforcement agencies, including federal immigration authorities, to the extent permitted by federal and state law and this Department Instruction.

Effective January 1, 2018, through the enactment of the SB 54, also known as the California Values Act (“Act”), California state law limits the types of communications and cooperation that are permissible between local law enforcement agencies and federal immigration authorities. The Act, at Government Code §§ 7284 through 7284.12, identifies the following as prohibited and permissive conduct:

A. Prohibited Conduct

Pursuant to the Act, local law enforcement officers are prohibited from any of the following:

1. Using department personnel and/or resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including:
 - a. Inquiring into an individual’s immigration status;
 - b. Detaining an individual on the basis of a hold request;
 - c. Providing information regarding a person’s release date or responding to requests for notification by providing release dates or other information, unless that information is (i) available to the public, or (ii) in response to a notification request from immigration authorities in accordance with Government Code § 7282.5, and then only if the individual: (1) has been convicted of a serious or violent felony (identified in Penal Code § 1192.7(c) or § 667.5(c)); (2) has been convicted of a felony punishable by imprisonment in the state prison; (3) has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, certain specified offenses provided by statute (See Government Code § 7282.5(3)(A)-(AE)); (4) is a current registrant on the California Sex and Arson Registry; or (5) has been convicted of federal crime that is an aggravated felony or has an outstanding federal felony arrest warrant;
 - d. Providing personal information about an individual, including, but not limited to, the individual’s home address or work address unless that information is available to the public;
 - e. Making or intentionally participating in arrests based on civil immigration warrants;
 - f. Assisting immigration authorities in the border checkpoint activities described in Section 1357(a)(3) of Title 8 of the United States Code; and
 - g. Performing the functions of an immigration officer.

2. Placing peace officers under the supervision of federal agencies or employing peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement.
3. Using immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.
4. Transferring an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Government Code § 7282.5.
5. Providing office space exclusively dedicated for immigration authorities within a city law enforcement facility or voluntarily allowing access to non-public and secured police department facilities for immigration enforcement activities.
6. Contracting with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees.

B. Permissive Conduct

State law and this Department Instruction do not prohibit the following activities:

1. Investigating, enforcing, or detaining an individual upon reasonable suspicion of, or arresting for, a violation of illegal re-entry after conviction for an aggravated felony (8 USC §1326(a), 8 USC §1326(b)(2)) if such crimes are detected during an unrelated law enforcement activity.
2. Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.
3. Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:
 - a. The primary purpose of the joint law enforcement task force is not immigration enforcement.
 - b. The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.
 - c. Participation in the task force does not violate any local or department policy.

Operations by a Joint Law Enforcement Task force require annual reporting of specific information to the California Department of Justice. See Government Code § 7284.6(c). These reports are designated as public records and subject to disclosure under the California Public Records Act. If more than one state or local law enforcement agency is participating in a joint task force, the task force shall designate a particular agency to complete the reporting requirement.

4. Making inquiries into information necessary to certify an individual, who has been identified as a potential crime or trafficking victim, for a T or U Visa pursuant to 8 USC § 1101(a)(15)(T) or § 1101(a)(15)(U), or to comply with 18 USC § 922(d)(5).
5. Giving immigration authorities access to interview an individual in agency or department custody in accordance with Government Code § 7283 (the TRUTH Act).
6. Exchanging information regarding the citizenship or immigration status, lawful or unlawful, of an individual with federal immigration authorities or any other federal, state or local government entity, pursuant to 8 USC §§ 1373 and 1644.

Further definitions related to the Act can be found at Government Code §7282.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 4.12 PATROL
TO: ALL PERSONNEL	SUBJECT: DISMISSAL/VOIDING OF CITATIONS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supercedes Department Instruction 4.12, dated December 9, 2016.

I. PURPOSE

The purpose of this Instruction is to outline the Department's policy regarding dismissal or voiding of citations.

II. POLICY IN GENERAL

The furtherance of justice is occasionally served by requesting dismissal or voiding of citations that have been issued. It is incumbent upon the personnel of the Department to ensure citations are fairly issued based on the facts of the violation. Consideration of dismissal or voiding of a citation should be taken as a serious matter and should never be undertaken to circumvent the judicial process. Any request for dismissal or voiding of a citation shall be reviewed at multiple levels, including the issuing officer, a supervisor and a commanding officer.

III. CRITERIA

- A. EsPD form #155 shall be used to document all requests for dismissal or voiding of a citation prior to the citation being submitted to the court for adjudication, or the parking citation processing service for fee collection.
- B. The dismissal form will be used for all citations, including parking, traffic, municipal code violations and other criminal cases where a citation is used.
- C. The dismissal form is also used to account for citations where errors have been made and another citation was issued in place of the flawed citation.
- D. Reasons for request shall be given in detail on the form.
- E. No employee will participate in a dismissal procedure involving a relative or friend. Such cases will be referred to a supervisor.
- F. Citations received for dismissal or voiding from other City departments shall also be submitted with a Form EsPD #155 form. The form shall include an explanation of the circumstances surrounding the issuance of the citation and a detailed justification for dismissal or voiding of the citation. The request shall come from a supervisor or manager of the Department requesting that the citation be dismissed or voided.

- G. The Uniform Bureau Captain will have final approval of any Form EsPD #155, subject to review by the Chief of Police.
- H. Citations submitted to the court for adjudication must follow a separate procedure to be dismissed or voided. A petition to the court must be written by the issuing officer or the appropriate supervisor. The petition must detail the citation number, defendant's name, circumstances under which the citation was issued, and the reason(s) the request for dismissal is being made. The petition should be written on Department letterhead, completed and signed in accordance with Department Instruction 1.1, Section V, *Formal Letters* and a copy of the original citation should be included with the correspondence.
- I. In the event a parking citation has been issued and it is later determined to have been issued in error, or in the interest of justice the citation is to be voided and there is no copy to attach to EsPD form #155, the issuing officer shall notify his/her immediate supervisor as to why the citation should be voided or dismissed. In cases where it is determined the parking citation shall be either voided or dismissed, the Traffic Division sergeant shall be advised and arrange for the parking citation to be either voided or dismissed.

The correspondence should be addressed: "Dear Commissioner" and mailed to the appropriate court:

San Diego Superior Court – N. County Division
Minor Offense Division
325 S. Melrose Drive, Suite 350
Annex Building
Vista, CA 92083-6693

San Diego Superior Court – N. County Division
Vista Branch
325 S. Melrose Drive
Vista, CA 92083-6693

San Diego Superior Court – Central Division
Juvenile Branch – Dept. 11
2851 Meadowlark Dr.
San Diego, CA 92123-3596

San Diego Superior Court – Central Division
Kearney Mesa Branch – Dept. B
8950 Clairemont Mesa Blvd.
San Diego, CA 92123-1198

In the event that the citation was issued under the jurisdiction of another court, the correspondence should be addressed and mailed to the court of jurisdiction.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 09-16-20	NO: 4.13 PATROL
TO: ALL PERSONNEL	SUBJECT: HOSTAGE TAKERS/ BARRICADED SUSPECTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 4.13 Hostage Takers / Barricaded Suspects, dated December 30, 2019.

I. PURPOSE

To establish guidelines/common procedures for resolving incidents involving hostage takers and barricaded persons, while minimizing the risk of injury or death to all parties.

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 specific incident is a dynamic and rapidly evolving event.

II. POLICY

It is the policy of the Escondido Police Department to address hostage and barricade situations with due regard for preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders, and securing available evidence.

III. DEFINITION

A. Hostage Taker

Any person who seizes or kidnaps another and threatens to kill or harm the hostage with the intent to evade arrest, escape, obtain the release of others in custody, obtain money or property, or any other objective.

B. Barricaded Suspect

Any person armed, or believed to be armed, with a weapon or any dangerous device who occupies or fortifies a particular location and violently, or by threat of violence, resists apprehension by police officers.

IV. TYPES OF INCIDENTS

The Escondido Police Department's Emergency Negotiation Team (ENT) and SWAT are available to respond to the following incidents:

A. A suspect with one or more hostages;

- B. Barricaded persons;
- C. High risk suicide attempts in a public place or where other persons are placed in harm by the suicidal subject;
- D. High risk warrant service where it is believed the suspect(s) may have weapons and/or refuse to surrender;
- E. Sniper and/or ambush situations;
- F. Any other situation deemed appropriate by the Watch Commander that requires de-escalation and/or crisis intervention skills.

V. INITIAL PATROL RESPONSE AND 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 response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of a supervisor until relieved by a supervisor or a more qualified responder. The officer should continually evaluate the situation, including the risk to officers, persons involved, and bystanders. Additionally, they should begin an evaluation for resources and equipment needed.

The handling officer should brief the arriving supervisor of the incident, [REDACTED]

A. 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:

1. Ensure injured/innocent person(s) are evacuated from immediate threat areas if it is reasonably safe to do so. Request medical assistance when feasible.

[REDACTED]

3. Request additional personnel, resources, and equipment as needed.

4. Provide responding emergency personnel with a safe arrival route.
5. Attempt or obtain a line of communication and gather as much information on the subject as possible including weapons, other involved parties, additional hazards and injuries.

[REDACTED]

7. Evacuate outer areas.

[REDACTED]

9. Establish a Command Post.

B. HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of 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:

1. Ensure injured/innocent persons are evacuated from immediate threat areas if it is reasonably safe to do so. Request medical assistance when feasible.

[REDACTED]

- 3.

[REDACTED]

The decision to use deadly force on any suspect(s) must be in compliance with Department Instruction 1.5 Use of Firearms and D.I. 1.24 Use of Force.

4. Assist hostages or potential hostages in escape if it is reasonably safe to do so. If there are multiple hostages, they should be kept separate if possible pending interview.

5. Request additional personnel, resources, and equipment as needed.
6. Provide responding emergency personnel with a safe arrival route.
7. Attempt or obtain a line of communication and gather as much information on the subject as possible including weapons, other involved parties, additional hazards, and/or injuries.

[REDACTED]

9. [REDACTED] This should be a coordinated effort with Dispatch.

10. Establish a Command Post.

- a. Escape of Containment (Push Out)

[REDACTED]

- 1) If the suspect escapes containment, make every reasonable effort to reestablish containment.
 - 2) The attempted escape in and of itself does not automatically justify the use of deadly force. The decision to use deadly force must be in compliance with Department Instruction 1.5 and D.I. 1.24.

C. 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 relieved. This includes requesting SWAT and ENT respond if appropriate and apprising the SWAT and ENT Commanders of the circumstances. In addition, the following things should be considered:

1. Ensure injured persons are evacuated and treated by medical personnel
2. Request SWAT, ENT, additional resources and equipment as appropriate.
3. Establish the Command Post as resources and circumstances permit.
4. Designate an officer (preferably ENT) who can assist with intelligence gathering and documentation of the incident.



6. Identify a media staging area outside the outer perimeter and have the Department PIO designate a temporary media representative to provide media access in accordance to D.I. 1.7.
7. Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

D. Watch Commander

1. The complexity of the problem will determine whether the Watch Commander manages the operation from the station or from the Tactical Command Post (TCP).

In a situation where both SWAT and ENT have been requested and activated, an available lieutenant shall respond as the Incident Commander and manage the operation from the Command Post. Until a lieutenant can respond, the senior ranking officer at the scene will assume command of the operation.

2. Evaluate the personnel staffing needs and direct that the necessary call-outs be made.
3. Notify the Chief of Police and appropriate bureau commanders.
4. Confirm or establish Fire Department/Medics be placed on stand-by. Notify the hospital emergency room to alert appropriate personnel.

E. COMMUNICATION

If ENT personnel are not immediately available or have an extended response time, it may fall on the initial responding officers. They should try to establish and

maintain lines of communication with a barricaded person or hostage-taker.

[REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

VI. RESOLUTION PHASE

After [REDACTED] all hazards have been reduced to an acceptable level, personnel assigned specific tasks designed for resolution will be able to work more efficiently and with greater safety.

When the Field/Incident Commander has determined that SWAT and/or ENT personnel are needed, they will contact the commanders in charge of those teams. If the commanders are not available, then the Team Leader for those respective teams will be notified for call-out purposes. The SWAT Commander or Team Leader 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 and ENT. The Incident Commander, SWAT Commander, and ENT Commander should maintain communication throughout the incident and preferably be at a unified command post.

[REDACTED]

A. SWAT

1. The SWAT Team of the Escondido Police Department will be utilized when needed.
2. The Watch Commander or Incident Commander must request and brief the Tactical Commander concerning the mission assignment and facts of the incident.

B. Emergency Negotiations Team (ENT)

1. Face –to-face negotiations will be employed as a last resort. The decision for a negotiator to go face-to-face with a suspect will be a joint decision made by the ENT command and the SWAT command with the final approval of the Incident Commander.
2. The ENT Team Leader or designee will provide continuous updated information regarding the negotiation/crisis intervention progress to the ENT Commander and/or Incident Commander to assist in decision making.

3. [REDACTED]
[REDACTED] This decision should be based on input from both the ENT and SWAT Commanders to the Incident Commander.

- [REDACTED]
5. Time is one of the negotiator's more valuable tools. Without time, objectives cannot be achieved, strategic and tactical goals cannot be met, and the negotiator cannot negotiate. Time decreases stress level, increases rationality, allows for rapport and trust to develop, clarifies communications,

6. [REDACTED]
[REDACTED] The impact of this type of request should be evaluated by ENT. However, the decision to allow this type of communication by the suspect rests with the Incident Commander.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-01-24	NO: 4.14 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: STATE OF CALIFORNIA MISSING PERSONS ALERT PROGRAM	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This is a new Department Instruction, dated January 1, 2024.

I. PURPOSE

To establish policies regarding the adherence to the State of California Missing Persons Alert Program.

II. GENERAL INFORMATION

The alerts program is a partnership between law enforcement, the community, media, and other partners to provide the public with information relating to a missing person to affect a quick, safe recovery. California has seven recognized alerts: AMBER Alert, Blue Alert, Silver Alert, Feather Alert, Yellow Alert, Ebony Alert, and Endangered Missing Advisory (Ashanti Act Compliant).

The California Highway Patrol (CHP) – Emergency Notification and Tactical Alert Center (ENTAC) is the designated state coordinator for missing person alerts throughout California. ENTAC is staffed 24 hours a day by uniformed CHP personnel and is located at the CHP Headquarters in Sacramento, CA. The CHP is responsible for the activation of all alerts on behalf of investigating agencies in California’s municipalities, counties, and tribal communities. The investigating agency contacts the CHP and the details concerning the incident and the activation criteria are reviewed together.

III. POLICY

- A. Missing Persons Alerts will be used when criteria is satisfied by all applicable California Government Code sections governing the use of alerts.
- B. The on-duty Watch Commander will be the primary agency coordinator for facilitating an alert by contacting CHP. If a Watch Commander is not on duty, then any sworn supervisor or sworn officer can coordinate with CHP for an alert.
- C. The Escondido Police Communications team will assist with any MUPS, SVS, or other entries, but it will be the responsibility of sworn staff to coordinate the alert with the CHP.
- D. Media inquiries and citizen tips will be referred to the agency requesting the alerts. Patrol supervision will be responsible for handling inquires until either the PIO or Investigations personnel become involved in the incident.
- E. The Operations Captain will be notified of any issued alerts as soon as is feasible.

- F. CHP is the state agency responsible for managing the program and they will ultimately determine if the criteria is met for issuing an alert.
- G. Information and criteria regarding the issuing of alerts are outlined below. Alert requests will be initiated by calling the California Highway Patrol Emergency Notification and Tactical Alert Center (ENTAC) in Sacramento at (916) 843-4199.

IV. ALERTS

A. AMBER ALERT

The America's **Missing: Broadcast Emergency Response (AMBER)** Alert is part of the nationwide AMBER Plan and is a voluntary partnership between law enforcement agencies and media broadcasters. The plan utilizes the latest tools and resources to quickly notify the public of an abducted/taken child.

In 2002, Assembly Bill 415 (Government Code section 8594) was signed into law and mandated that AMBER Alert plans be implemented statewide and charged the CHP as the statewide coordinator for all AMBER Alerts.

In order for an AMBER Alert to be activated, the following criteria must be met (Government Code section 8594):

1. Confirmation that an abduction has occurred or a child was taken by anyone, including, but not limited to, a custodial parent or guardian.
2. The victim is 17 years of age or younger, or an individual with a proven mental or physical disability.
3. The victim is in imminent danger of serious bodily injury or death.
4. There is information available that, if disseminated to the public, could assist in the safe recovery of the victim.

B. BLUE ALERT

The California Statewide Blue Alert Program was introduced through Senate Bill 839 and became law in 2011 by adding Section 8594.5 to the California Government Code. A Blue Alert is activated when a violent attack on a law enforcement officer has occurred and poses an imminent threat to law enforcement or the general public. Blue Alerts provide immediate information to the public to prevent further harm and aid in the swift apprehension of the suspect.

In order for a Blue Alert to be activated, the following criteria must be met (Government Code section 8594.5):

1. A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
2. A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
3. A detailed description of the suspect's vehicle or license plate is available for broadcast.
4. Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

C. SILVER ALERT

The California Silver Alert Program was introduced through Senate Bill 1047 and became law in 2012 by adding section 8594.10 to the California Government Code. A Silver Alert is activated when an elderly, or developmentally or cognitively-impaired person has gone missing and is determined to be at-risk. Silver Alerts provide immediate information to the public to aid in the swift recovery of at-risk persons meeting the criteria.

In order for a Silver Alert to be activated, law enforcement must be satisfied the following criteria have been met (Government Code section 8594.10):

1. The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
2. The investigating law enforcement agency has utilized all available local resources.
3. The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
4. The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, the person is in the company of a potentially dangerous person, or other factors indicating that the person may be in peril.
5. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

D. FEATHER ALERT

The California Statewide Feather Alert Program was introduced through Assembly Bill 1314 and became law in 2022 by adding Section 8594.13 to the California

Government Code. A Feather Alert is a resource available to law enforcement agencies investigating the suspicious or unexplainable disappearance of an indigenous woman or indigenous person. The Feather Alert will provide immediate information to the public to aid in the swift recovery of missing indigenous persons.

In order for a Feather Alert to be activated, a law enforcement agency must determine that the following criteria have been met. (Government Code section 8594.13):

1. The missing person is an indigenous woman or indigenous person.
2. The investigating law enforcement agency has utilized available local and tribal resources.
3. The law enforcement agency determines that the person has gone missing under unexplainable or suspicious circumstances.
4. The law enforcement agency believes that the person is in danger.
5. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

E. YELLOW ALERT

The California Statewide Yellow Alert Program was introduced through Assembly Bill 1732 and became law in 2022 by adding Section 8594.15 to the California Government Code. A Yellow Alert is activated when a person has been killed due to a hit-and-run incident and the law enforcement agency has specified information concerning the suspect or the suspect's vehicle.

In order for a Yellow Alert to be activated, law enforcement must be satisfied the following criteria have been met (Government Code section 8594.15):

1. A person has been killed due to a hit-and-run incident.
2. There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
3. The investigating law enforcement agency has additional information concerning the suspect or the suspect's vehicle, including, but not limited to, any of the following:
 - a. The complete license plate number of the suspect's vehicle.

- b. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
 - c. The identity of a suspect.
- 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including, but not limited to, the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

F. EBONY ALERT

The California Statewide Ebony Alert Program was introduced through Senate Bill 673 and became law in 2024 by adding Section 8594.14 to the California Government Code. An Ebony Alert is a resource available to law enforcement agencies investigating the suspicious or unexplainable disappearance of a black woman or black person. The Ebony Alert will provide immediate information to the public to aid in the swift recovery of missing black persons.

In order for an Ebony Alert to be activated, a law enforcement agency must consider that the following criteria have been met. (Government Code section 8594.14):

- 1. The missing person is between 12 to 25 years of age.
- 2. The missing person suffers from a mental or physical disability.
- 3. The person is missing under circumstances that indicate any of the following:
 - a. The missing person's physical safety may be endangered.
 - b. The missing person may be subject to trafficking.
- 4. The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
- 5. The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or 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.
- 6. The investigating law enforcement agency has utilized available local resources.

7. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

G. ENDANGERED MISSING ADVISORY (Ashanti Act Compliant)

An Endangered Missing Advisory (EMA) is an alert available to law enforcement agencies investigating the suspicious disappearance of at-risk missing children or other endangered persons. EMAs provide immediate information to the public to aid in the swift recovery of at-risk persons. EMAs fulfill the federal Ashanti Alert Act of 2018 (Pub. L. 115-401).

In order for an Endangered Missing Advisory to be activated, the following criteria must be met:

1. The person is missing under unexplained or suspicious circumstances.
2. The person is believed to be in danger because of age, health, mental or physical disability, or the environment; is in the company of a potentially dangerous person; or any other factor that may put the person in serious peril.
3. There is information available that, if disseminated to the public, could assist in a safe recovery.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-13-21	NO: 4.15 PATROL
TO: ALL PERSONNEL	SUBJECT: POLICE SERVICE DOGS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 4.15 Patrol, dated November 26, 2019.

I. PURPOSE

The Police Service Dog (PSD) Unit was established to augment police services to the community and for the protection of police officers. Highly skilled and trained teams of handlers and PSDs have evolved from the program and are used to supplement police operations to locate and apprehend criminal offenders, locate evidence, or detect contraband.

II. GENERAL

It is important that all personnel understand the responsibility involved in the use of a PSD as a law enforcement tool. When a PSD is used to affect an arrest or in some other law enforcement capacity, it represents a use of non-deadly force (see Department Instruction 1.24).

III. ORGANIZATION

- A. The Canine Units are assigned to the Uniform Bureau, and oversight is the responsibility of the Uniform Bureau Commander.
- B. The Canine Unit Coordinator shall be a sergeant appointed by the Chief of Police and shall directly supervise the PSD teams. The Canine Unit Coordinator is directly responsible to a lieutenant assigned by the Chief of Police.
- C. All Department PSDs are purchased through an approved vendor. That vendor currently is:

Adlerhorst International, Inc.
3951 Vernon Avenue
Riverside, California 92509
909.685.2430

IV. ASSIGNMENT OF POLICE SERVICE DOGS

- A. The PSD team shall be assigned to the Uniform Bureau to supplement the Patrol Division.

- B. PSD teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary, and only with the approval of the Watch Commander.
- C. PSD teams should function primarily as cover units; however, they may be assigned by the Watch Commander to other functions, based on the need of the watch at the time.

V. GUIDELINES FOR THE USE OF POLICE SERVICE DOGS

A PSD may be used to locate and apprehend a suspect if the handler reasonably believes that the individual has either committed or is about to commit a public offense and if any of the following conditions exist:

- A. There is a reasonable belief that the individual(s) pose(s) an immediate threat of violence or serious harm to the public, any officer, or the handler.
- B. The individual(s) is/are physically resisting arrest and the use of the PSD reasonably appears to be necessary to overcome such resistance.
- C. The individual(s) is/are believed to be concealed in an area where entry by other than the PSD would pose a threat to the safety of officers or the public.
- D. Absent the presence of one or more of the above conditions, mere flight from pursuing officer(s) shall not serve as reasonable cause for the use of a PSD to apprehend an individual.
- E. It is recognized that situations may arise which do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used in deciding whether or not to use a PSD in view of:
 - 1. Current Department policy.
 - 2. Current case law.
 - 3. The capabilities/limitations of the individual PSD.
 - 4. The totality of the circumstances at hand.

VI. PREPARATIONS FOR UTILIZING A POLICE SERVICE DOG

- A. Prior to the use of a PSD to search for or apprehend any individual, the handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information shall include, but is not limited to the following:
 - 1. The individual's age, or estimate thereof.

2. The nature of the suspected offense.
 3. Any potential danger to the public and/or other officers at the scene if the PSD is released.
 4. The degree of resistance, if any, the subject has shown.
 5. The potential for escape or flight if the PSD is not utilized.
 6. The availability of other force options on scene.
 7. The potential for injury to officers or the public caused by the suspect(s) if the PSD is not utilized.
- B. The handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of the PSD is technically/tactically feasible. Generally, the decision to deploy the PSD shall remain with the handler; however, a supervisor sufficiently apprised of the situation may decide not to deploy the PSD.
- C. As circumstances permit, the PSD handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.
- D. Generally, a PSD will not be used in the following circumstances:
1. To conduct searches for animals.
 2. To apprehend juvenile suspects known to be under thirteen years of age.
 3. To apprehend individuals known to be suffering from mental disorders and who have not committed a public offense or who do not pose an armed danger to the public or officers.
 4. Routine crowd control.
 5. Any situation wherein a supervisor or the handler determines the proposed use of the PSD is not reasonable.

VII. WARNINGS GIVEN TO ANNOUNCE THE USE OF A POLICE SERVICE DOG

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning (in English) to announce that a PSD will be released if the person does not come forth, shall be made prior to releasing the PSD. The PSD handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the PSD. In the event of an apprehension, the handler shall

document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

VIII. USE OF NARCOTIC DETECTION POLICE SERVICE DOGS

- A. A narcotic detection trained PSD may be used in accordance with current law under the following circumstances:
1. Assist in the search for narcotics during service of a search warrant.
 2. Obtain a search warrant by using the narcotic detection PSD in support of probable cause.
 3. Search vehicles, buildings, containers, bags, and any other articles deemed necessary. A narcotic detection PSD will not be used to search a person for narcotics.
 4. Conduct routine narcotic sweeps of the Department's detention facility. These sweeps shall not be conducted when any prisoners are confined in this facility and shall only be conducted with the prior approval of the Watch Commander.

IX. USE OF BOMB/EXPLOSIVE DETECTION DOGS

- A. 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 trained explosive detection PSD may be warranted. When available, a trained explosive detection PSD may be used in accordance with current law and under the following circumstances:
1. To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
 2. To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a PSD sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
 3. To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
 4. To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
 5. At no time will a PSD be used to render a suspected device safe or clear.

X. GUIDELINES FOR NON-APPREHENSION USE AND RESCUE OPERATIONS

- A. Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the PSD to determine the feasibility of such an application.
- B. Absent a change in circumstances that presents an immediate threat to officers, the PSD or the public, non-apprehension use should be conducted on leash or under such conditions that will minimize the likelihood that the PSD will bite or otherwise injure the individual.
- C. Throughout the deployment of the PSD in rescue operations, the handler should consider issuing periodic verbal assurances that the PSD will not bite or hurt the person. Rescue searches should be conducted on leash and muzzle and be under complete physical control of the handler at all times.
- D. Deploying a PSD to perform a rescue search is a rarity and should only be conducted in an effort to save the subject's life.
- E. Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the PSD.

XI. REPORTING THE USE OF POLICE SERVICE DOG

- A. Whenever a PSD is operationally deployed (and no injury has resulted or is alleged), a Canine Use Report shall be completed by the handler before he/she secures from duty. These use reports will be submitted to the Canine Unit Coordinator as a part of the handler's regular monthly reporting.
- B. Canine Use Reports are for performance documentation and statistical purposes only. Canine Use Reports are not intended to reflect the facts of the case and as such, may be brief and focus solely on the performance of the PSD. The Canine Use Reports should include the following information:
 - 1. Date, time, and location of the use.
 - 2. CAD incident and/or case number.
 - 3. Number of suspects involved and alleged crimes committed.
 - 4. Synopsis of the circumstances surrounding the use of the PSD.
 - 5. Result of the actual PSD use.

XII. REPORTING POLICE SERVICE DOG BITES OR INJURIES

- A. If a bite or injury occurs, or is alleged, from the use of a PSD, the involved handler shall immediately notify the Watch Commander and the Canine Unit Coordinator. The subject shall be transported to an appropriate medical facility.
- B. If a bite or injury occurs, or is alleged from the use of a PSD, photographs shall be taken of the bite or injury after first addressing the immediate medical needs of the injured party.
- C. The handler shall document the circumstances surrounding the bite or injury (or allegations of same) in a Canine Contact Report.
- D. In the event that an in-custody suspect requires medical attention, an officer shall stand by with the suspect until treatment is rendered and the suspect is medically cleared for transfer to a custodial facility.
- E. California Penal Code §399.5(c) states in part, “Nothing in this section shall authorize the bringing of an action to subdivision (a) based on a bite or bites inflicted by a dog used in police work.” California Food & Agriculture Code §31601-31609 addresses “potentially dangerous and vicious dogs,” Section 31609 (b) states, “This chapter does not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.”

XIII. REPORTING POLICE SERVICE DOG INJURIES

- A. In the event that a PSD is injured, the handler will immediately notify the Watch Commander and the Canine Unit Coordinator. The handler will prepare a written report documenting the circumstances that resulted in the PSD injury.
 - 1. If a person willfully and intentionally injures a PSD, the handler will document those facts and consider making an arrest per California Penal Code Section §600.
 - 2. Depending on the severity of the injury, the PSD will be either treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and PSD are out of the city of Escondido at the time of the PSD injury, the handler may use the nearest available veterinary treatment facility.
 - 3. The injured PSD will be transported to an authorized veterinary medical treatment facility as soon as possible.

During business hours, injured PSDs will be taken to:

ABC Veterinary Hospital

330 Rancheros Drive, #102
San Marcos, CA 92069
760.471.4950

During evening hours, injured PSDs will be taken to:

Animal Urgent Care
2430 South Escondido Boulevard #A
Escondido, CA 92025
760.738.9600

4. An injured PSD will not be taken to any other veterinary treatment facility without the approval of the Canine Unit Coordinator, except as noted in subsection 2.
5. Non-emergency medical care will be coordinated through the Canine Unit Coordinator.
6. Any indication that a PSD is not in good physical condition shall be reported to the Canine Unit Coordinator or the Watch Commander as soon as practical.
7. The Canine Unit Coordinator shall maintain all records of the veterinary medical treatment for PSDs.

XIV. REQUEST FOR USE OF POLICE SERVICE DOG

Personnel within the Department are encouraged to freely solicit the use of PSD teams. When Bureaus outside the Patrol Division request the use of a PSD team, the request will be made through the on-duty Watch Commander or the Canine Unit Coordinator.

XV. REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

- A. The Watch Commander or the Canine Unit Coordinator must approve all requests for PSD assistance from outside agencies, subject to the following provisions:
 1. PSD teams shall not be used outside the city of Escondido to perform any assignment that is not consistent with this Department Instruction.
 2. Upon arrival at the scene, the handler has the ultimate decision as to whether or not the PSD is to be used for the specific assignment requested by the other agency.

3. PSD teams shall not be called out while off duty or used outside the city of Escondido unless authorized by the Watch Commander or the Canine Unit Coordinator.

XVI. REQUEST FOR PUBLIC DEMONSTRATIONS

- A. The Canine Unit Coordinator shall approve all public requests for a PSD team prior to making any commitment.
- B. Handlers shall not demonstrate any “apprehension” work to the public unless authorized to do so by the Canine Unit Coordinator.

XVII. POLICE SERVICE DOG HANDLER RESPONSIBILITIES

- A. Maintain his/her assigned PSD to departmental standards (see Section XVIII below).
- B. Attended all weekly training sessions coordinated by the Escondido Police Department Canine Unit (see section XX below).
- C. Attend all monthly training sessions provided by the currently authorized PSD vendor (see section XX below).
- D. Provide monthly documentation of the actual use of training of his/her assigned PSD.
- E. Document all injuries caused by, or alleged to be caused by, his/her assigned PSD. Documentation shall include photographing of all injuries or area of alleged injury.
- F. Ensure that all routine veterinary medical needs (vaccinations, etc.) for his/her assigned PSD are met.
- G. Handlers are encouraged to compete in professionally sanctioned canine trials as approved by the Canine Unit Coordinator.
- H. PSD handlers shall be solely responsible for the safety of family, friends, or others coming onto the handler’s premises, or members of the public when the PSD is present, or otherwise not functioning in an official police capacity.

XVIII. CARE OF THE POLICE SERVICE DOG AND EQUIPMENT

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

1. The handler shall maintain all assigned Department equipment under his/her control in clean and serviceable condition.
2. The handler shall maintain the assigned canine patrol vehicle as outlined by current Department policy.
3. Whenever a PSD handler anticipates taking a vacation or an extended number of days off, it may be necessary to kennel the PSD. In those situations, the handler shall give the Canine Unit Coordinator reasonable notice so that appropriate arrangements can be made. In those cases, the PSD will be boarded in an approved kennel facility qualified to care for the specific needs of the PSD. Department PSDs shall not generally be left in the care of spouses or family friends.
4. Handlers shall not leave their assigned PSD in the care of a person not trained in the care of the PSD or approved by the Canine Unit Coordinator.
5. Handlers shall permit the Canine Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the PSD patrol vehicle for the sole purpose of verifying that the conditions and equipment conform to the requirements in the policy.
6. Any changes in the living arrangements of the handler that may affect the lodging or environment and well-being of the PSD shall be reported to the Canine Unit Coordinator within 24 hours.
7. When off duty, each PSD shall be maintained in a kennel provided by the Department at the home of its assigned handler. When a PSD is kenneled, the kennel gate shall be secured with a locking device. When off duty, the PSD may be let out of the kennel only under the direct control of the handler.
8. The PSD shall only be transported in the handler's assigned canine patrol vehicle. The PSD may only be transported in a private vehicle with the prior approval of the Watch Commander or the Canine Unit Coordinator, or in the event of an emergency.
9. The PSD should be permitted to socialize in the home with the handler's family for short periods of time and only under the direct supervision of the handler.
10. Handlers having PSDs crossed-trained for narcotic detection will be responsible for the checkout and return of narcotics assigned for training purposes. Narcotics required for training shall only be transported in locked and secure containers. When not being used for training, all narcotics shall be secured at the Department.

11. When off duty, the handler shall not involve his/her assigned PSD in any activity not approved in advance by the Canine Unit Coordinator or the Watch Commander.
12. Under no circumstances will the canine be lodged at another location unless approved by the Canine Unit Coordinator or Watch Commander.

XIX. POLICE SERVICE DOGS IN PUBLIC AREAS

- A. All PSDs shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific operations for which the PSDs are trained.
 1. A PSD shall not be left unattended in any area to which the public may have access.
 2. When a PSD canine patrol vehicle is left unattended, all un-screened windows and doors shall be secured.

XX. TRAINING

- A. Each PSD team shall train to P.O.S.T. Police Service Dog standards on a continuing basis. To assure compliance with those standards, all PSD teams shall participate in regularly scheduled training as follows:
 1. PSD teams shall regularly attend weekly, four-hour training sessions coordinated by the Canine Unit.
 2. PSD teams shall regularly attend monthly eight-hour training sessions provided by and coordinated through the Department's currently approved vendor.
 3. In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Escondido Police Department.
 4. All PSD training shall be conducted on duty unless otherwise approved by the Canine Unit Coordinator or the Watch Commander.
 5. A PSD team missing three or more consecutive training sessions (without reasonable excuse) may be subject to disciplinary action. Should this situation arise, the handler will be required to kennel his/her PSD until the team attends and successfully completes monthly training provided by the current Department vendor. Until such time as the PSD team is again certified for patrol duties, the handler will be temporarily assigned, when practical, to regular patrol duties.

6. Any dog team failing POST Patrol Canine Recertification shall not be deployed in the field until certification is achieved. Any cross-trained dog team failing the California Narcotic Canine Association recertification, or other recognized and approved narcotics detection recertification standards, shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

XXI. CANINE UNIT COORDINATOR RESPONSIBILITIES

- A. The Canine Unit Coordinator shall be responsible for, but not limited to, the following:
 1. Act as liaison with the currently approved PSD vendor, Police Administration and other City of Escondido officials, other agency canine unit coordinators, and all authorized providers of veterinary care.
 2. Investigate any reports of actual or alleged injury caused by Department PSD team.
 3. Attend, when practical, all regularly scheduled training sessions.
 4. Authorize all public demonstrations and other related activities of the PSD team.
 5. Maintain accurate records of the use and training of the PSD team.
 6. Review all Canine Use Reports to insure compliance with policy and to identify training issues and other needs of the program.
 7. Provide status reports to the Chief of Police as requested.
 8. Recommend, oversee and authorize the procurement of necessary equipment and services for the Canine Unit.
 9. Prepare annual budget recommendations.

XXII. CONTROLLED SUBSTANCE TRAINING AIDS

- A. Controlled substance training aids are required to effectively train and maintain drug detecting PSDs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.
- B. Health & Safety Code § 11367.5 provides that any Sheriff, Chief of Police, Chief of the Bureau of Controlled Substance Enforcement, or Commissioner of the

California Highway Patrol, or a designee thereof may, at his or her discretion, provide controlled substances in his or her possession for training purposes:

1. To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency, provided the controlled substances are no longer needed as criminal evidence.
2. Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration (DEA), possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

XXIII. CONTROLLED SUBSTANCE TRAINING AID HANDLING PROCEDURES

- A. Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedures shall be strictly followed:
 1. All necessary controlled substance training samples shall be acquired from the Escondido Police Department's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
 2. The weight and test results shall be recorded and maintained by this Department.
 3. Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
 4. All controlled substance training samples will be inspected and weighed quarterly. The results of the quarterly inspection shall be recorded and maintained by the Canine Unit Coordinator.
 5. All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be stored in the locked drug locker in the canine equipment room. Only detection PSD handlers and Canine Unit supervisors will have access and keys to the lockers. There are no exceptions to this procedure.

6. The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
7. Any lost or damaged controlled substance training aids shall be immediately reported to the Canine Unit Coordinator in writing, who will determine if any further action will be necessary. Any loss of controlled substances provided by the DEA will be reported to the Drug Enforcement Administration.
8. Any unusable controlled substance training samples shall be submitted to the Property Division, or to the dispensing agency, for destruction.

XXIV. IMMUNITY

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

XXV. EXPLOSIVE TRAINING AIDS

- A. Explosive training aids are required to effectively train and maintain the skills of explosive detection PSDs and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment (Penal Code § 18800). Explosive training aids designed specifically for K-9 teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:
 1. All explosive training aids, when not in use, shall be properly stored in the locked explosives box in the canine equipment room.
 2. An inventory ledger shall be maintained to document the type and quantity of explosive training aids held by the Canine Unit.
 3. The Canine Unit Coordinator shall be responsible to verify the explosive training aids on hand against the inventory ledger once each quarter.
 4. Only explosive detection handlers and Canine Unit supervisors shall have access to the explosives training aid box.

5. A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on scene will be designated as the secondary custodian.
6. Any lost or damaged explosives training aid shall be immediately reported to the Canine Unit Coordinator in writing, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-23-20	NO: 4.16 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: UTILIZATION OF PATROL TECHNICIAN	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supercedes Department Instruction 4.16, dated October 19, 2016.

I. PURPOSE

To establish policy and procedure for the utilization of Patrol Technicians within the Escondido Police Department.

II. OVERVIEW

The Escondido Police Department has established a position for part-time unarmed Patrol Technicians to assist Patrol Officers of the Escondido Police Department with routine criminal and traffic related investigations, and to perform other duties related to the Patrol Division as directed by the Watch Commander.

III. GENERAL RULES

- A. Comply with all applicable Department Instructions and Rules of Conduct.
- B. Investigate the following types of calls and perform the following duties as directed.
 - 1. Cold crime cases with no viable suspect information; specifically, petty and grand theft, residential and commercial burglary, vehicle theft, theft from vehicles, vandalism, annoying telephone calls, missing persons, documenting abandoned vehicles, issuing parking citations, found property, and other type calls at the direction and approval of the Watch Commander.
 - 2. Conduct traffic control at the scene of a collision, crime scene, traffic hazard or as may be necessary;
 - 3. Assist with the search for missing adults and children, transport and/or monitor children who may be victims or witnesses of crime;
 - 4. Locate, collect and impound basic evidence related to an assigned investigation, such as, latent fingerprints and DNA swabs;
 - 5. Collect and impound found property.

IV. GENERALLY PROHIBITED DUTIES

- A. Patrol Technicians are generally prohibited from:

1. Acting as cover officers or having any contact with suspected criminal offenders or arrestees without a sworn officer present;
2. Handling radio calls not specifically related to those described in Section III, subsection B. Other calls for service may be handled by the Patrol Technician with Watch Commander approval.
3. Performing advanced evidence collection normally conducted by a Field Evidence Technician;
4. Performing duties normally reserved for employees assigned to the front counter of the police department lobby.

V. LIFE-THREATENING EMERGENCIES

- A. Patrol Technicians will broadcast over the police radio the location and resources needed for an observed life threatening emergency, such as, a fire, vehicle accident, or other medical emergency.
- B. Generally, Patrol Technicians will not get involved in crimes in progress or other dangerous incidents they encounter during the course of their duties. Patrol Technicians, without jeopardizing their own safety, shall be a good witness and report their observations to first responders, including preparing a written report as may be necessary.

VI. EQUIPMENT

- A. Patrol Technicians will drive assigned Escondido Police vehicles. Patrol Technicians shall not drive patrol units equipped with red/blue emergency lights without Watch Commander approval.
- B. The Escondido Police Department will issue Patrol Technicians a Department RCS portable radio.
- C. All required uniforms and safety equipment for the Patrol Technician will be provided by the Escondido Police Department. Patrol Technicians will be provided one uniform at the beginning of employment, and one replacement uniform annually. Appropriate footwear will be obtained at employee expense. Patrol Technicians may purchase additional approved uniforms and equipment at their own expense.

VII. SCHEDULING

- A. Schedules will be assigned at the discretion of the Watch Commander or Patrol Sergeant assigned to oversee the Patrol Technician program.
- B. Schedules will be coordinated through the Patrol Technician Sergeant.

- C. Patrol Technicians requesting days off or modification of the schedule shall contact the Patrol Technician Sergeant or on-duty Watch Commander.
- D. Scheduling will be determined by patrol needs / peak activity hours.
- E. As a part-time employee, Patrol Technicians shall not work more than 1,000 hours in a fiscal year, nor work more than 30 hours in a one-week period. While overtime is generally prohibited, the Watch Commander may authorize additional work hours as may be necessary. The Watch Commander and Supervisor(s) shall monitor the Patrol Technician's daily activity to ensure they can complete their assigned duties and end their shift on time.

VIII. REVIEW PROCESS FOR ACCEPTING PATROL TECHNICIANS

- A. The Training Division will complete a background investigation of the Patrol Technician and the completed background packet will be presented to the Uniform Bureau Captain.
- B. The Uniform Bureau Captain will review the complete background packet and make a recommendation to the Chief of Police.
- C. All records pertaining to personnel approved for use as Patrol Technicians will be maintained in the Police Administration Office.

IX. TRAINING

- A. The Uniform Bureau Captain will be responsible for establishing all position-specific training.
- B. The Escondido Police Department's Training Division will coordinate all position-specific training. Training will include, but will not be limited to:
 - 1. Initial Orientation: Orienting new Patrol Technician to the Escondido Police Facility and reviewing operating policies.
 - 2. Life Safety Procedures: Procedures Patrol Technicians are to follow to ensure officer safety, and the safety of persons in their care.
 - 4. Report Writing Procedures: Procedures Patrol Technicians are to follow when completing reports, logs, forms and other required reports.
 - 5. Evidence Collection and Impounding Procedures: Procedures Patrol Technicians are to follow when collecting and impounding of evidence and/or property related to assigned cases.
 - 6. Care and Maintenance of Vehicle Procedures: Procedures Patrol Technicians are to follow for the proper care and maintenance of assigned vehicles.

- C. The Training Manager will review all new Patrol Technician training records and will certify the minimum training requirements have been met before the Patrol Technician will be allowed to work without a training officer present.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-20	NO: 4.17 PATROL
TO: ALL PERSONNEL	SUBJECT: BOMB INCIDENTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.17, dated June 11, 2009.

I. PURPOSE

The purpose of this Department Instruction is to establish a policy and to recommend procedures for personnel to follow when a report of a bomb threat is received, or when an explosive device is found.

II. BOMB INCIDENTS AND BOMB REPORTS

Bomb threats should be treated as valid incidents until an investigation has determined the threat is a false alarm. If the officer finds the bomb threat is credible or if a suspicious device is found, the officer shall take appropriate actions. Explosive devices should be considered very dangerous to the life of police officers and citizens. Officers must not allow themselves to be lulled into a state of complacency when a bomb threat is received. Officers must be familiar with Department procedures and policies, and must know what to do if an explosive device is found.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-03-15	NO: 4.18 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: CRIME AND ARREST REPORT FORMATS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 4.18, dated February 19, 2004.

I. PURPOSE

The purpose of this Instruction is to provide a standard report format that will require information essential for the completion of crime and arrest report narratives. This Instruction will serve as a guide to the creation of permanent official records of crimes or arrests and assist in their successful disposition.

II. POLICY

- A. This Instruction will not change any other Instruction requiring crime, incident or arrest reports.
- B. Department policy will be to apply the county-wide report format illustrated in this Instruction to all crime and arrest reports.
- C. The format headings should be listed in the order that they are illustrated in this Instruction. If a topic does not apply, the letters "N/A" can be written after the topic.

III. CATEGORIES OF CRIME REPORTS, ARREST REPORTS, OFFICER'S REPORTS, SPECIALIZED REPORTS

- A. Crime Reports: The crime report format will be used in documenting all crimes with the exception of:
 - 1. PC 653 (m) – Phone threats
 - 2. Property crimes reported only for insurance purposes
 - 3. Theft of property including vehicle burglary, with a value of less than \$5,000 and no identified suspects or valid vehicle license plate to follow up.
 - 4. Auto theft and auto theft recovery
- B. Arrest Reports: The arrest report format will be used on all arrest reports, except:
 - 1. PC 647(f) – Drunk in public
 - 2. Warrant arrests
 - 3. H&S 11550 – Under the influence of a controlled substance
 - 4. CVC 23152 – Driving under the influence

C. Officer's Reports/Specialized Reports: The following examples are specialized reports which do not require the county-wide format. Examples:

1. Information Only (153)
2. Investigative supplemental reports to a crime or arrest report
3. Truant Report
4. Missing Persons
5. W&I 5150
6. Auto theft and auto theft recoveries

When an officer writes an "information only" 153, there should be a brief description in the opening sentence as to the purpose of the report. For example: "The purpose of this officer's report is to document..."

IV. COUNTY-WIDE REPORT NARRATIVE FORMAT

A. This narrative format will be used throughout San Diego County on crime, arrest, and incident reports. There are four required titled headers and six required titled sub-headers (the six sub-headers all come under the "Investigation" header). Additional headers such as "Probable Cause" and "Crime Scene Diagram" may be used in unique or complicated cases. The required headers and sub-headers are as follows:

1. SYNOPSIS:
2. ORIGIN:
3. BACKGROUND:
4. INVESTIGATION:
5. STATEMENTS:
6. EVIDENCE:
7. INJURIES:
8. PROPERTY DAMAGE:
9. FOLLOW-UP:
10. RELATED REPORTS:

Use upper case lettering, and a colon for each header and sub-header.

If there is no information to provide under a header or sub-header, write the header or sub-header followed by "none" or "Not Applicable."

Leave a blank line between each header and sub-header and the written material. Indent the written statements five spaces from the sub-header.

B. SYNOPSIS:

This is a concise explanation written in past tense. Include crime elements, a short summary and officer's actions. This is not a complete narrative, but is an overview of the case, arrest, or incident.

C. ORIGIN:

Include detailed information regarding the source of the activity and how the reporting officer became involved. Do not use codes. Some common origins are: radio call, "flagged down," observations, informants, anonymous, and 911 calls. Include the time the call was received or that the incident was seen and the arrival time. If probable cause is included, be more detailed.

D. BACKGROUND:

Cover relevant information that led up to the crime, arrest or incident. Not all cases will have background information; these should be marked, "Not applicable." Crimes against persons usually require a background paragraph.

E. INVESTIGATION:

Using first person ("I"), report observations, actions, investigative steps taken, witness checks, etc., in chronological order. Include actions of other officers. The investigation section is subdivided, using the subheadings of Background, Statements, Evidence, Injuries, Property Damage, and Follow-Up. Most of the elements of the crime will be developed in the investigation section. Use subject/verb/object sentences. In some reports, the narrative portion under the heading Investigation may start under the subheading Background. Between sub-headers in the Investigation section, describe in chronological order what happened next. This will set the stage for the next sub-header.

F. STATEMENTS:

No narrative is written directly under this sub-header. All statements should be listed by paragraph headings and lined up directly under the Statements sub-header, and identified as victim, reporting party, witness, suspect, or other officer statements. Statements may be paraphrased, verbatim or in question-and-answer format. Use quotations as often as possible, especially when the quoted statement contains elements of the crime, connects the suspect to the crime and/or refutes a defense the suspect might offer. An example of using the paragraph heading: Statement of (name of person) (Victim/Reporting Party). Begin statement here.

G. EVIDENCE:

Evidence is any tangible item that is discovered, identified, collected, preserved and impounded that is associated with a crime, arrest or incident. Chain of custody is crucial. List evidence by number, location found, who found it, and the disposition of the evidence.

H. INJURIES:

Describe the extent of injuries in plain English. Avoid using medical terms unless using a quotation and identifying the source. Include all the names of attending EMTs, paramedics, nurses, and physicians.

I. PROPERTY DAMAGE:

Describe the extent and dollar value of damage, using information from a reliable source when necessary.

J. FOLLOW-UP:

Use this section to list further work required that was not completed; complete as much as possible.

K. RELATED REPORTS:

These may include vehicle impounds, narcotic impounds, property tags, arrest reports associated with a crime report, crime reports associated with arrest reports, etc.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 10-01-20	NO: 4.19 PATROL
TO: ALL PERSONNEL	SUBJECT: HIGH-RISK STOPS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 4.19 Patrol, dated December 30, 2019.

I. PURPOSE

To define current policies and procedures to be utilized when making a high-risk vehicle stop; to allow officers the flexibility to conduct such stops in accordance with the situation in the safest manner possible.

II. DEFINITION

- A. A high-risk stop is the stopping of any vehicle believed or known to contain wanted felons, suspected wanted felons, or persons who may be extremely dangerous. The high-risk stop is a procedure designed to provide the officer and the public with the greatest possible protection while stopping vehicles containing potentially dangerous persons.
- B. No two field situations are ever the same. No single method will cover all the possible situations that will be encountered, but fundamental techniques can be adapted to most situations involving high-risk stops to ensure the officer's and public's safety. If a stop is to be modified by the officer in charge (OIC), all participants should know what modifications will be made and act accordingly.
- C. There are two techniques that this Department Instruction will outline; the Fan Technique and the Line Technique. Both techniques have equal merit and either may be applied, depending on the situation that presents itself. Officers should consider both (or a modified version of either) and use the technique and resources that will yield the best result under the existing circumstances. (See Sections IV and V)

III. GENERAL GUIDELINES

- A. Techniques involved are based on one-officer patrol units working in conjunction with cover units. It is not recommended that a one-officer unit attempt a complete apprehension in the high-risk stop situation without cover units on the scene.
- B. The stopping officer's primary function is control of the scene, directing the suspect's actions, and facilitating communication between officers. By default, the stopping officer is the OIC. There may be an occasion where transfer of control is necessary. If the stopping officer cannot remain in control, the responsibility may be transferred to another officer who must accept that position and advise units that he/she is the OIC. The OIC shall assume responsibility for coordinating traffic control in the event it is needed and advise a route for assisting units to stop traffic behind and ahead of the scene. Crossfire situations, vehicles in proximity, and the protection of citizens who may wander into the area of the stop must be considered.

- C. The primary function of the cover officer is to cover the suspect(s) by utilizing their issued handgun, police rifle or, if appropriate, a shotgun. Simplicity of responsibility is a key factor. The cover officer's concentration on the suspect(s) is vital to the safety of all officers present. The cover officer should not be giving voice commands to the suspect(s).
- D. When possible, a supervisor should respond to the high-risk stop. The supervisor should assume the OIC position if the situation warrants such transfer of control. The supervisor does not assume the role of the stopping officer, but rather the position and responsibilities of overall command and control. The supervisor should be aware of all aspects of officers' and the public's safety and have an overall view of the situation. In the event that a supervisor is not present, the stopping officer or OIC should consider the overall view in the supervisor's absence.
- E. Location of the stop can be critical. Terrain and environment should be considered when deciding on a stop location. The patrol car's white lights should be used to create light screens, which have a psychological impact and assist for concealment.
- F. Patrol units in front should use all forward facing lights available during daytime stops.
- G. For nighttime stops, the overhead emergency flashing lights should be deactivated, as they distract the officers present and backlight any officers who should be behind the stop. The exception would be if the location of the stop constitutes a significant hazard to other motorists where the flashing lights would be beneficial for overall safety.
- H. Approaching cover units should turn off all forward facing lights, so the stopping unit will not be backlit. Cover units should not approach the scene from the direction the suspect had been going prior to the stop. Officers should consider the area for heavy pedestrian or vehicle travel. If possible, officers should select an area for the stop that is advantageous and avoids allowance of the public to enter. Generally, officers should not initiate the stop at an intersection, as this offers alternative routes of escape. Heavily populated areas should be avoided whenever possible.
- I. Techniques may vary when stopping vehicles other than sedan-type vehicles. When stopping a van or pick-up with a camper, officers may have the first suspect stop at the rear of his/her vehicle and command him/her to open the rear doors so visual contact of the interior for suspects can be made. The additional suspects can be commanded to exit after the first suspect is in custody; only one occupant at a time should be removed. In the situation of a pickup, the suspect may be commanded to slowly lower the tailgate so visual appraisal can be made of the truck bed.
- J. It is important to remember that suspects often dictate our tactics based on their decision of where to stop their vehicle or how they behave once stopped. Officers are expected to use their best tactics and judgement to handle the high risk stop in the safest manner possible. Officers should also consider time and other resources prior to the stop and once the stop has started being conducted. Tactics should be fluid as the suspect can cause the situation to change rapidly.

IV. PROCEDURES-FAN TECHNIQUE

A. Stopping Officer:

1. Advise the dispatcher of the location, direction of travel, and reason for the stop.
2. Give a description of the vehicle and number of visible occupants, description of occupants, and type of weapons present, if possible.
3. Ascertain location of cover units and the estimated time of their arrival.
4. One-officer units should not stop the suspect vehicle, unless absolutely necessary, until cover units arrive. If it becomes necessary to make the stop prior to the arrival of cover units, the stopping officer should consider using their rifle (or if appropriate, the shotgun) and attempt to keep the suspect(s) inside their vehicle until cover units are on-scene.
5. Utilize all vehicle lighting equipment, day or night, directing all white light (light bar, spot lamp, and high beams) on the suspect's vehicle.
6. Give the location of the stop and the direction that the suspect vehicle is facing, in order to let the cover units know field of fire. In some cases, the direction of the suspect vehicle may not necessarily be in line with the stopping officer and fields of fire will be ascertained from the position of the stopping officer's vehicle.
7. The stopping officer should make every effort to stop behind the suspect's vehicle. The stopping officer's vehicle should be a minimum of one car length behind or away from the suspect's vehicle. The stopping unit may choose to cant the patrol vehicle at an angle to the suspect vehicle so there is a better position of cover.
8. The stopping officer will assume a position that best suits the environment and situation at hand. The officer should consider a position that affords the best overall coverage of the suspect vehicle. The stopping officer's primary focus should be on the occupants of the suspect vehicle.
9. The stopping officer should give voice commands to the occupants in the vehicle, which includes announcements to all occupants to make sure their hands are visible and controlled and to follow instructions. Command presence in the form of a loud and clear voice is generally necessary.
10. The stopping officer should be the only person to give voice commands in order to avoid any confusion, and this will also serve to identify who is the OIC to other officers who arrive to assist.

11. Once sufficient cover has arrived, suspects should generally be ordered out of the car and back to the stopping officer's vehicle. There may be situations where the suspect(s) needs to be ordered to a different location if that is safer for officers or the public. The suspect(s) will be handcuffed by a team designated by the OIC and taken back to patrol units behind the stopping vehicle.

B. First Cover Officer

1. The first cover officer will advise dispatch upon arrival at the scene.
2. The first cover unit will approach the scene from the rear or follow the stopping unit from the rear. The first cover officer's responsibility should be to provide additional lighting and cover for the stopping unit.
3. All white light from the cover officer's vehicle should be directed toward the suspect's vehicle for a light screen. Any other emergency lighting emitting light to the front should generally be shut down to prevent distraction or backlighting of any additional units.
4. The first cover unit should generally park his/her patrol car to the left of the stopping officer's car. This second car needs to allow enough distance from the other patrol car so that the doors may open fully without hindrance.
5. The first cover unit should position his/her patrol car at an angle to the stopping unit to create a "V" (Fan Technique). The cover unit's car should not pass the stopping officer's car; the two front bumpers will be able to provide the same distance support for the stopping officer.
6. The first cover officer should use the rifle or shotgun to provide support for the stopping officer.
7. The first cover officer should unlock his/her vehicle doors and roll windows down so as to facilitate voice communication with the stopping officer and allow any additional responding units to assume a position at the cover officer's vehicle upon their arrival.
8. The first cover officer should remain in position during the stop unless directed to move by the OIC.
9. Communication amongst the on-scene officers is key, but the primary officers should be focused on the suspect's vehicle. Additional officers may be needed to provide security to the surrounding area so that the primary officers can focus on the stopped suspect vehicle's occupants.

C. Additional Responding Units

Third Unit:

1. The third unit on-scene should approach the stop from the rear with all forward vehicle lighting off. Amber warning lights should be illuminated to provide traffic control.
2. The third unit on-scene will advise dispatch upon arrival and park his/her patrol vehicle behind the first cover unit. Any forward lighting shall be turned off to avoid illuminating the officers in front of the vehicle.
3. The third unit on-scene will verbally communicate with the stopping officer on arrival to advise the stopping officer of approach from the rear so as not to distract the stopping officer or cause him/her to lose focus on the suspect's vehicle.
4. The third unit on-scene should assume a position at the stopping officer's passenger's side door or right rear bumper, utilizing the cover provided by the door and the concealment behind the light screen of white light from the stopping officer's right side spot lamp. This officer must also be aware of any other lighting from the stopping officer's takedown lighting (light bar), so as not to be backlit.

Fourth Unit:

1. The fourth unit on-scene will be responsible for taking the suspect(s) into custody when the stopping officer calls them out of the car. The fourth officer will assume a position at the passenger's side door of the first cover unit.

Fifth Unit:

1. The fifth officer on-scene will be responsible for parking in a position to provide unattended traffic control. All white vehicle lights or any other emergency lighting shall not be activated, with the exception of the rear amber warning light.
2. The fifth officer will back the fourth officer and assist with prisoner handcuffing and control.
3. The fifth officer is the preferred officer to assume responsibility for radio communication and may be relieved by a supervisor.

PSD:

1. If a canine unit is available, they should also respond. Upon arrival, the canine officer must communicate with the OIC as to placement. Discretion should be used as to the placement of the canine officer and the police service dog

(PSD), as the environment and terrain at each scene will be different. Significant consideration as to placement must include communicating with every officer on the scene and using the most cover and concealment possible to effectively deploy the PSD.

2. The canine officer will work with the OIC as to the position of the PSD during the stop. Because of the short distances between officers, it is recommended that the canine officer remain on the left side of the first cover officer's car. This will allow flexibility and a greater observation of the scene should the PSD be deployed for a runner or to clear the suspect vehicle. The position of the PSD may, however, change after consultation with OIC or as the situation dictates.

Supervisor:

1. The supervisor arriving at the scene must park so as not to illuminate the police vehicles that are illuminating the stopped car. Upon arrival, the supervisor should advise the stopping officer of his/her presence. The supervisor's on-scene responsibility does not require the assumption of verbal command of the suspect. The supervisor should take a position to oversee the stop, make any adjustments as necessary, and take radio responsibility for summoning additional units or requesting resources as needed, and should be in direct communication with the primary officer.
2. Setting up the officers and police vehicles for a high-risk stop can take time. All available resources should be considered and summoned as deemed necessary. When feasible, officers on-scene should avoid removing occupants from the suspect vehicle until proper resources are established and properly positioned.

D. Voice Commands

1. The stopping officer should order all occupants of the suspect vehicle to raise their hands so that they can be seen. Once all officers are in place at the scene, only the officer who is assigned to give voice commands should communicate with the suspects. The officer giving voice commands must give his/her full attention to communicating with the suspects and will not be responsible for radio communications. In the event that voice commands are not adequate due to ambient noise, the officer giving commands should consider using the public address (PA) system. Problems with using the PA system, such as familiarity with the use of the system, faulty equipment, having to divert attention to reach the PA, and loss of one hand to operate the microphone must be considered and may be a reason to seek alternatives.
2. The driver of the suspect vehicle will be ordered to turn the suspect vehicle off and keep the keys in his/her hands.
3. The driver will be ordered out of the suspect's vehicle by opening the driver's door from the outside.

4. The driver will be told to keep his hands in the air. He will be told to leave the car door open. He will be told to keep facing away from the stopping officer.
5. Once outside the suspect's vehicle, the occupants should be visibly scanned for weapons while officers are maintaining distance. They may also be asked they have any weapons concealed on their body.
6. When the officer giving voice command feels it is proper to allow the suspect back for handcuffing, the officer will order the suspect to slowly walk backwards toward the front of the stopping officer's and first cover officer's vehicles.
7. The officer giving commands shall shift their responsibility to watch the suspect. Officers on the right and left of the stopping officer's vehicle and cover officer's car will have responsibility for observing the suspect vehicle and any occupants. The arrest team will also be watching the suspect while maintaining cover until the suspect has been handcuffed.
8. When the suspect reaches the front wheels of the stopping unit and first cover unit, the officer giving voice commands will order the suspect to a kneeling position. The suspect should generally not be directed behind the light screens provided by the spot lamps, so as not to create a crossfire situation.
9. The arrest team will handcuff the suspect with one officer acting as cover and the other as contact. The arrest team will then do a pat down for weapons at the small of the back unless other circumstances dictate a more complete search. The purpose of the quick search is to gain control of the suspect by means of handcuffs and get to a better position of cover for a more complete search.
10. Once the suspect has been handcuffed, the arrest team will walk the suspect backward to a more secure position to prevent any interference with the operation.
11. Once the suspect has been handcuffed, the officer giving voice commands will direct their attention to the suspect's vehicle.
12. The arrest team will escort and place the handcuffed suspect in a patrol vehicle (make attempts to avoid using the stopping officer or first cover officer's vehicle) to ensure the suspect's safety and to prevent distraction or added risk for the stop. As quickly as possible, one of the arrest team members will elicit as much information as possible from the suspect about other occupants in the vehicle and any other information that may be significant to the safe extraction of other persons in the suspect's vehicle. The information obtained must be relayed to the officer giving commands, and the OIC.
13. The arrest team member should assume a position back at the first cover officer's vehicle and assist by watching the suspect's car until another suspect is brought out.
14. When ready, the officer giving voice commands will call out a second suspect. The officer will repeat the process until all visible suspects are out of the vehicle.

15. Before any officer or PSD approaches the suspect's vehicle, the officer giving voice commands will call to the car and order any additional suspects out of the car. A use of force and/or canine admonishment should be given when feasible.
16. Providing there was no response from the vehicle and the officer giving voice commands does not see anything unusual, the suspect's car will need to be cleared by a team of officers. The OIC shall devise a plan detailing who will make the approach and when, and how the PSD will be used.

E. Vehicle Clearing

1. When clearing the suspect's car, the stopping officer will coordinate with the arrest team to approach the car, from either the right or left side of the stop.
2. The arrest team should approach the car and make sure that the trunk is latched prior to checking the interior of the vehicle. The interior of the vehicle must be visually checked before the interior of the trunk. Secondary searches cannot be done until the interior is cleared and the trunk is determined to be latched.
3. When an arrest team is clearing the trunk, one officer should have the keys and put them in the keyhole, but should not open the trunk. The officer should back away see if there is any indication of movement from the trunk. The other members of the arrest team should assume positions to cover the officer and the trunk.
4. The officer assigned to open the trunk should wait a brief moment before moving back to the trunk and turning the key, as this allows the officer to "set" the key. The basis for this idea is to confuse anyone who inside the trunk as to when the trunk will open. The officer assigned to open the trunk can quickly turn the key and allow the trunk to swing open more quickly than the time necessary to get the key in and then turn it.

V. PROCEDURES -LINE TECHNIQUE

- A. There may be an occasion where it is not possible or safe to position the patrol cars in the "V" or Fan Formation. The stopping officer should consider the line technique as an alternative tactic.
 1. The operation is conducted in the same manner (see Section IV for more detailed information), but the patrol vehicles are lined up behind one another. The concepts and procedures are very similar to the Fan Formation.
 2. The stopping officer will assume voice commands and either take the responsibility of the OIC or have it delegated out to a supervisor or another officer.
 3. The second unit on-scene will assume a position at the passenger's side door of the stopping unit. The second officer should have a rifle or shotgun, if appropriate, and his/her area of responsibility will be the suspect's vehicle.
 4. The third unit at the scene will assume a position at the stopping officer's driver's side door.

5. The third unit or person designated by OIC is responsible for organizing an arrest team and placement of the PSD (if one is available).
6. The OIC should communicate with the other officers at the scene as to which side the suspect(s) will be brought out, depending on the environment and terrain.
7. The OIC should not allow any suspects taken out of the vehicle to pass beyond any of the cover officers, as suspects taken out of the vehicle have not been searched for weapons and must not be directed to pass near, parallel, or beyond any assisting officer.
8. The OIC will determine which side the search team will approach for a search of the suspect vehicle.

VI. ALTERNATIVE TACTICS

A. Tactical Withdrawal

1. Should the arrest team encounter a problem while clearing the main cabin of the car or the trunk, they should consider a tactical withdrawal by removing themselves from a line of fire or other threat.
2. Officers at the police vehicles will assist by providing cover in the event a tactical withdrawal is necessary.
3. There may be occasions where a tactical withdrawal cannot be made and officers will need to be prepared to react according to the situation presented at the time.

B. Vehicles Other Than Marked Patrol Units

1. Motorcycle officers are generally discouraged from participating in high-risk stops and should be used as traffic control officers when available. However, in the event a motorcycle officer must participate in a high-risk stop such as a terminated pursuit, the motorcycle officer should follow the training he or she received at the motor academy.
2. Officers not in uniform and in unmarked units, should only be used in high-risk stops in the third position or thereafter. Officers not in uniform should have their badge prominently displayed as outlined in Department Instruction 1.2.

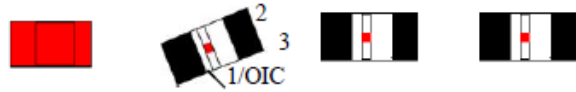
VII. ADDITIONAL RESOURCES

- A. Officers should keep in mind the availability of additional resources depending on the situation.
 1. Air support (such as ASTREA or ABLE)
 2. Shields

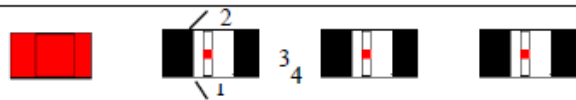
3. Less Lethal (impact munitions and taser)
4. Any other resources that may assist the officers in a safer situation for the officers and/or the public.

VIII. ILLUSTRATIONS

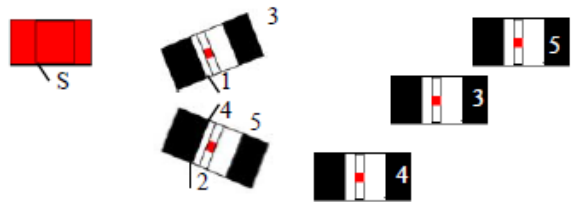
Line technique- One Officer Car



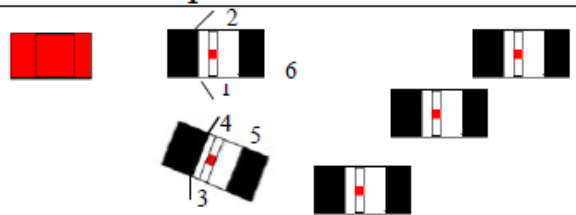
Line technique-Two Officer Car



Fan Technique- One Officer Car



Fan Technique- Two Officer Car



ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-09-20	NO: 4.21 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: RESPONSE FOR BURGLAR AND ARMED ROBBERY ALARMS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.21 Patrol/ Traffic, dated September 19, 2014.

I. PURPOSE

The purpose of this Instruction is to establish a procedure for dispatching and responding to burglar and robbery alarms.

II. PROCEDURE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. RESPONSE CANCELATION FOR BURGLARY ALARMS

- A. Response cancellation by resident, owner, employee, alarm company or answering service in the event of an accidental activation:
 - 1. The call will be canceled only when the dispatcher receives a phone call from the alarm company prior to the officer's arrival and where identifying information is obtained to the dispatcher's satisfaction.
 - 2. If the cancellation meets the listed criteria, the dispatcher shall indicate "canceled by R/P" in the comment section of the CAD incident history.

IV. RESPONSE CANCELATION FOR ROBBERY ALARMS AND RESIDENTIAL DURESS ALARMS

- A. Officers will respond to the scene on all financial and commercial 211s and make contact with a reporting party. These calls will not be canceled without the approval of the Watch Commander.
- B. Residential duress alarms will be canceled only when the dispatcher receives a phone call from the alarm company prior to the officer's arrival and where identifying information is obtained to the dispatcher's satisfaction.

V. ALARM NUISANCE

- A. When an alarm becomes a nuisance due to repeated activations, the Watch Commander may temporarily discontinue response.
 - 1. An attempt will be made to advise the resident, owner, employee, alarm company or answering service that units will not respond to further activations until the alarm system has been repaired.
 - 2. Dispatchers will be notified of the action taken.
- B. Escondido Municipal Code Section 6A-6(e) provides authority to the Chief of Police to order any alarm system disconnected in the event such system produces

chronic false alarms. For the purposes of this subsection, the term “chronic false alarm” shall mean false alarms in excess of eight within a 365-day period.

VI. ALARM DISPOSITION CODES

The responding officer must make a CAD entry indicating whether the alarm was valid or false. The appropriate clearance code for a false alarm is “FA.”

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-20-22	NO: 4.22 PATROL
TO: ALL PERSONNEL	SUBJECT: MENTAL ILLNESS EVALUATION PROCEDURE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.22 Patrol, dated December 9, 2020.

I. PURPOSE

To provide all sworn personnel with guidelines to be used when dealing with people with mental illness. Topics include assessing for voluntary and involuntary hospitalizations (a 5150/72-hour hold), if or when officers will assist a mental health facility professional (i.e., a psychiatrist, psychologist, therapist, etc.) or other private party, conservatorship, procedures for detaining and transporting a mentally ill person, arrest procedures, and officer considerations when confronted with circumstances such as walkaways. This D.I. will also cover procedures for conducting a Tarasoff threat notification investigation.

II. INVOLUNTARY HOSPITALIZATIONS/5150 HOLDS

- A. Welfare and Institutions Code (WIC) 5150 provides that certain persons such as police officers, ER doctors, mobile assessment teams, and other designated mental health professionals may involuntarily take or cause to be taken any person who is deemed to be a danger to self, danger to others, or gravely disabled as a result of mental illness to a designated hospital for assessment. This is a detainment and transport authority only. WIC 5151 defines the assessment process performed by the social worker, ER doctor, or other psychiatric liaison once the person has been remanded to their care, and WIC 5152 authorizes the involuntary hospitalization.
- B. For the Escondido Police Department, the closest designated hospitals suited to handle involuntary hospitalizations are Palomar Medical Center Escondido and Palomar Medical Center Poway (a.k.a. Pomerado Hospital). However, this does not preclude officers from transporting persons to other hospitals if necessary, such as the VA La Jolla, County Mental Health (a.k.a. San Diego County Psychiatric Hospital), Aurora Behavioral Health, or others.

III. WIC 5150 DEFINED

- A. **Danger to self:** The person poses an imminent risk of injury to self. This may be either a deliberate intention to injure oneself (i.e., overdose) or a disregard of personal safety to the point where injury is imminent (i.e., wandering into traffic). The danger must be immediate, substantial, physical, and demonstrable. Indicators of the person's intent may include words or actions showing intent to commit suicide or bodily harm; words or actions indicating gross disregard for personal safety; words or actions indicating a specific plan for suicide; and having the means available to carry out a suicide plan.

- B. Danger to others: The person poses an imminent risk to others. Danger to others should be based on words or actions that indicate the person intends to cause harm to a particular individual or group of individuals, intends to engage in dangerous acts with gross disregard for the safety of others, and the words or actions are driven by an apparent mental illness. Some indicators that a person poses such a risk may include threats against particular individuals, attempts to harm certain individuals, means available to carry out threats or expressed intention or attempts to engage in dangerous activity that would put the public at risk.
- C. Gravely disabled: The person is unable to provide for their basic personal needs of food, clothing, or shelter as the result of a mental illness. Mere inability to provide for certain specific needs is not sufficient, nor is the refusal of treatment or other assistance; the measure of grave disability must take into account a totality of factors. Furthermore, even if a person cannot take care of their basic personal needs, the person is not gravely disabled if family members or others are helping the person with their daily needs, and the person is able to adequately sustain himself or herself under the arrangement.

Indicators that a person is gravely disabled may include:

1. Signs of malnourishment or dehydration.
2. Erratic sleeping and/or eating patterns.
3. Inability to articulate a plan for obtaining food.
4. No food available in the residence.
5. Destruction/loss of clothing.
6. Inability to formulate a plan to obtain shelter.
7. Irrational beliefs about food (poisoned, inedible).
8. Unreasonable explanation or lack of understanding of a current dire living situation.

IV. DETAINMENT ADVISEMENT

- A. Each person detained for a psychiatric evaluation must be given the Detainment Advisement prior to being transported to the designated hospital. The Detainment Advisement is located in the upper right hand corner of the “Application For 72-Hour Detention For Evaluation And Treatment” form (hereafter referred to as the 72-Hour Detention form). The advisement should be read in substantially the following way:

“My name is (state name). I am a police officer with the Escondido Police Department. You are not under criminal arrest, but I am taking you for examination by mental health professionals at Palomar Medical Center (or other mental health facility). There you will be told your rights by the mental health staff.”

- B. If the person is taken into custody at their residence, the following advisement should be included:

“You may bring a few personal items with you which I will have to approve. Please inform me if you need assistance turning off any appliances or water. You can make a phone call and/or leave a note to tell your friends and/or family where you are being taken.”

- C. If the advisement is incomplete, a “good cause” reason must be listed on the 72-Hour Detention form in the area entitled “Good Cause for Incomplete Advisement.” Reasons for an incomplete advisement can include the person being too incoherent, too psychotic, or being medically compromised.

V. TRANSFER OF CUSTODY

- A. The Welfare and Institutions Code requires that a person who has been involuntarily taken to a psychiatric unit must be evaluated by a member of the hospital staff. Police officers responsible for the transportation of the person to the hospital are required to stay only as long as necessary as to complete documentation of the factual basis of the detention, and effect a safe and orderly transfer of custody of the person to hospital staff (WIC 5150.2). The documentation shall include detailed information regarding the factual circumstances and observations constituting probable cause for the officer to believe that the person requires psychiatric evaluation. Once the transfer of custody is complete, the hospital assumes sole responsibility for the detainment, evaluation, treatment, and care of the individual. Per WIC 5154(c), police officers responsible for the detainment of the person shall not be civilly or criminally liable for any action by a person released at or before the end of the 72 hours.
- B. Additionally, if the 5150 hold is upheld by the assessing facility and the person requires transportation to another mental health treatment center, it is the sole responsibility of the assessing facility to ensure the transfer of the person to the new facility. For instance, if a person taken to Palomar Medical Center Escondido for 5150 is deemed in need of hospitalization but the person does not have insurance, arrangements may be made to send the person to County Mental Health. It is the responsibility of hospital staff to ensure the safe transfer of the person.

VI. VOLUNTARY HOSPITALIZATIONS

In cases where the person does not meet criteria for a 5150 hold, officers may advise the person and/or relatives or guardians to seek treatment on their own through their primary care provider. If the person is indigent, has a history of mental illness but is currently

not being treated, or shows symptoms of mental illness and has not been diagnosed, officers may refer the person to Palomar Medical Center's ER for voluntary hospitalization. Officers may also offer the person the Access and Crisis Hotline: 888-724-7240. The Access and Crisis Hotline is available 24/7 as a resource for families and persons suffering from mental illness or are in crisis, and can offer local resource information for in or outpatient treatment, support groups, legal matters, advocacy groups, etc.

VII. MENTAL HEALTH PROFESSIONAL REFERRALS

Not all mental health professionals are able to impose a 5150 hold. In fact, aside from officers and deputies, the only professionals able to implement 5150 holds are those professionals (usually ER doctors, psychiatrists, and psychiatric emergency assessment team members) who are certified by the county (WIC 5150(a)). Therefore, when responding to a mental health facility such as an outpatient clinic where a mental health professional has requested police to transport a person on a 5150 hold, the responding officers should take the following into consideration:

- A. If the mental health professional has written the 5150 hold (assuming the professional has such authority), the subject of the hold needs to present an immediate danger to self or others, or there needs to be sufficient reason to believe that the person poses such risks, before officers will transport. Officers must present the original 72-Hour Detention form written by the mental health professional to the hospital, and complete the appropriate department report.
- B. If the person displays sufficient conduct as to meet criteria for a 5150 hold and the requesting mental health professional is not certified to write a hold, then officers will write the hold and transport. Officers must also complete the appropriate department report.
- C. If the person does not display sufficient conduct to meet 5150 criteria in the moment, and the mental health professional does not have the requisite certification to impose a hold but insists on one, then it will be up to the officer to decide if 5150 criteria can be met. In some instances, a 5150 hold may not be appropriate. However, sometimes 5150 criteria can be established jointly between an officer and the mental health professional through observation, case history, testimonials, and other supportive information. In such an instance, it will be the officer's responsibility to complete the 72-Hour Detention form and the appropriate department report.

VIII. THIRD PARTY INFORMATION

There are times during an assessment when family members or other appropriate third party witnesses have information relevant to the situation and/or state of mind of the individual being assessed. Per Assembly Bill 1424 (2001), third party information can lawfully be taken into account: "Persons with mental illness are best served in a system

of care that supports and acknowledges the role of the family, including parents, children, spouses, significant others, and consumer-identified resource systems.”

In other words, the law asks that law enforcement considers the information provided by family members or others close to the individual when assessing whether probable cause exists for an involuntary hospitalization. The essence of this was codified in WIC 5150.05. However, the law doesn’t just allow for the consideration of third party information when assessing for 5150, but grants protection to law enforcement personnel in making them not civilly liable if presented with false information by a third party that is believed to be credible.

IX. LPS CONSERVATORSHIPS

- A. On occasion officers are requested to involuntarily hospitalize a mentally ill person by a conservator. Since there are different types of conservatorship, it is incumbent upon officers to understand when an involuntary hospitalization request from a conservator is valid.
- B. Types of conservatorship include probate conservatorships of a person and/or estate, dementia conservatorships, limited conservatorships, and durable power of attorney for health care. None of these empower a party to make inpatient mental health treatment decisions for the listed person.
- C. An LPS conservatorship is the only type of conservatorship under which someone is authorized to make decisions regarding inpatient mental health treatment for another. However, the conservator must present officers with a copy of the Superior Court order indicating that there is an LPS conservatorship in affect. LPS conservatorship matters are handled exclusively by the Central Division of the San Diego Superior Court. Additionally, LPS conservatorships (also known as “permanent conservatorships”) are only valid for one year; the documentation must show establishment or re-establishment within the past twelve months.
- D. If presented with an LPS conservatorship, and the conservatee poses a risk to self or others, officers will impose an involuntary hospitalization on the conservatee, transport, and complete a 72-Hour Detention form and Department report. If the conservatee does not pose a risk to self or others, it will be the conservator’s responsibility to arrange for transportation and hospitalization via their own means, such as a private ambulance service. Officers will not assist private ambulance companies with taking a person into custody for a private commitment.

X. WALKAWAYS

When dispatched to a call regarding a potentially mentally ill person who has walked away from a mental health facility, officers will not transport the “walkaway” back to the facility unless the person presently meets criteria for an involuntary hospitalization. This shall include any person who has already been taken on a 5150 hold by any law

enforcement agency within the last 24 hours and who was in the custody of hospital staff within the ER.

XI. DETAINING MENTALLY ILL PERSONS

A mentally ill person in crisis may present as irrational and uncooperative. By applying appropriate de-escalation techniques, officers may avoid a use of force in dealing with the person. In many cases, when officers take extra time to attempt to establish a measure of trust, the person in crisis can be dealt with by means of tact and persuasion. However, officers should never compromise their own or the public's safety when dealing with the person. Officers should always be alert even when the person is cooperative because of the possibility of unpredictable behavior.

XII. RESTRAINING AND HANDCUFFING

Officers shall use proper commands and control holds in accordance with department policy when restraining and handcuffing a person. Remember: A person in crisis may be reacting to internal stimuli (such as a schizophrenic hearing voices) and therefore seem uncooperative. In these situations it will be up to the officer to decide how best to restrain the person in the safest and most humane way possible.

XIII. SEARCHES

- A. As with any detainment, safety is paramount for the protection of officers and the person being detained, not to mention the hospital staff, other patients, fire department personnel, and general public who will ultimately be exposed to the individual. Therefore, officers must always conduct a pat-down search of the person for weapons or any other item that may pose a risk to the well-being of the person or others.
- B. When appropriate, the person's belongings should also be searched, preferably with the person's consent. If consent is not given, but officers can articulate that the person's belongings may contain weapons or other means by which the person may pose a danger to self or others, officers may search the belongings (the court ruled this is not a violation of a person's civil rights under *People V. Triplett* 144 Cal. App. 3d 283 (1983)).

XIV. ARREST

Every person who commits a violent felony shall be arrested, processed, and booked for the appropriate crime in accordance with department policy. If the nature of the offense, the person's demeanor, or an officer's knowledge of the person either indicates or confirms the possibility of mental illness, the officer shall briefly describe the nature of the mental illness on the jail log and on the person's booking intake form. If possible, officers should also note any prescription medications prescribed to the person on the booking intake form. If the person has prescription medication in their possession, the

medication should be bagged and sealed separately from the person's other property and sent with the person to jail in accordance with booking procedures.

In the event a person who has committed a violent felony needs psychiatric stabilization prior to the arrest, officers should complete a 72-Hour Detention form, ensuring the checkbox and the officer's name and phone number are listed in the section "Notifications To Be Provided To Law Enforcement Agency". Officers should also coordinate with supervision on a plan to take custody of the person once the person is discharged from the behavioral health unit.

XV. CONFISCATION OF FIREARMS AND OTHER DEADLY WEAPONS

- A. Per Welfare and Institutions Code 8102(a), firearms and other deadly weapons shall be confiscated from any person involuntarily detained for psychological evaluation. Deadly weapons include guns, knives, and any other item that is illegal to possess pursuant to Penal Code section 16590.
- B. Upon confiscation, the person shall be notified of the procedures for having the legal item returned (Welfare and Institutions Code 8102(b)). This notification shall be conducted by completing the "Escondido Police Department Receipt and Notice of Rights for Confiscated Firearms/Other Deadly Weapons" form (ESPD form #254). Officers and the person shall both sign the form in the spaces provided. If the person cannot or will not sign the form, officers shall write "refused" in place of the person's signature. A copy of the form shall then be given to the person.
- C. Furthermore, officers shall complete the confiscated weapons section of the 72-Hour Detention form.

XVI. FIREARMS PROHIBITION

Just because a person is taken on a 5150 hold does not mean the person will automatically be restricted from owning firearms. In fact, there are three criteria that must be met before a firearms restriction can be imposed: (1) the 5150 hold is upheld by the hospital staff members conducting the psychiatric assessment, (2) the person has been deemed a danger to self or others (grave disability does not count), and (3) the person serves any amount of time on the behavioral health unit. If the criteria are met, then the person will be restricted from possessing or purchasing a firearm for five years (Welfare and Institutions Code 8103(f)(1)). The prohibition includes owning, procuring, possessing ammunition, as well (PC 30305(a)).

XVII. TRANSPORTATION

- A. Persons detained for involuntary hospitalization are to be transported to the nearest LPS designated hospital. For Escondido, the closest hospital is Palomar Medical Center Escondido. Generally speaking, if the person being transported has a serious or concerning medical complaint, or the person has the potential for being combative, Palomar Medical Center Escondido is the preferred location.

Additionally, before transporting a person, officers are asked to call the charge nurse at Palomar Medical Center Escondido or have dispatch make the call. This notification will help the charge nurse begin preparations for receiving the person—all of which can aid the officers in a safer and more timely transfer of custody to hospital staff.

- B. On occasion, officers may decide it is necessary to transport a person to an alternate mental health or medical facility, such as Aurora Behavioral Health, the VA La Jolla, or County Mental Health. Reasons to transport to an alternate facility can include continuity of care (the person could be a veteran who normally receives care at the VA), tender age of the person (juveniles can be screened at Palomar Medical Center Escondido, but the hospital does not provide inpatient care, so a transport to Aurora Behavioral Health or Rady Children's Hospital could be more prudent), advanced age (Palomar Medical Center Poway has a geriatric psychiatric center), or severity of an injury (UC San Diego Health has the Regional Burn Center). Officers are expected to notify a patrol sergeant or the Watch Commander if transporting to an alternate facility.
- C. As with any transport, safety is paramount for the protection of officers, the public, and the person being transported. Therefore, officers must always conduct a pat-down search of the person for weapons or any other item that may pose a risk to the well-being of the person or others.
- D. Persons placed in a police vehicle should normally be handcuffed. Exceptions would be the elderly, handicapped, or minors below the age of fourteen. Officers must use their best judgment when making the decision to handcuff or not.
- E. Sometimes a person may be physically incapacitated or in some form of compromised physical health that use of a patrol car would be impractical. In such cases, officers should request paramedics for transport. If the person is violent and poses a risk to the safety of paramedics, an officer shall ride in the ambulance as an added safety precaution. A second officer shall follow the ambulance and assist in the safe and orderly transfer of custody of the person to the hospital.

XVIII. TRANSFERRING CUSTODY OF A VIOLENT 5150 PERSON TO PMC

- A. In cases where the person poses a potential risk to hospital staff or patients, officers should notify or request dispatch to notify Palomar Medical Center Escondido's charge nurse of the situation and give an estimated time of arrival. This will give the hospital staff additional time to prepare for the violent person's arrival, including advising security, securing hallways, making bed space, and preparing for the use of chemical or soft restraints. In extreme cases where a sedative is administered, a violent person may be kept in handcuffs until the sedative takes effect.
- B. The preferred hospital to take a violent 5150 is Palomar Medical Center Escondido. The hospital has more individual rooms, increased security staffing, and more

immediately available resources on hand to deal with a violent person in the emergency department.

XIX. INVOLUNTARY HOSPITALIZATIONS WITH INJURIES

- A. When a person being transported to the hospital has injuries as a result of being suicidal or a danger to self, officers will complete a 72-Hour Evaluation form and the appropriate department report.
- B. In certain rare instances where the person is semi-conscious or unconscious due to injuries, the hospital staff may request that a hold not be written due to the extensive amount of time necessary for the person to regain consciousness and subsequently be evaluated. In such instances, it will be the officers' responsibility to confer with the ER doctor, social worker, and charge nurse to ensure this is the appropriate action. Officers shall then note the names and reasons of the hospital staff making the request in the call comments section of the radio call. The incident may also be documented in an officer's report if appropriate.

XX. CARE OF PROPERTY

At the time a person is taken into custody for mental evaluation, officers shall take reasonable precautions in safeguarding the person's property. Appropriate measures include leaving the property in the care of a responsible relative or guardian, impounding the property, or transporting the property with the person to the mental health facility. Officers should also document the disposition of the property in the appropriate department report. This is especially important in cases involving a residence or vehicle being left unattended, or when neighbors or the humane society take custody of the person's pets.

XXI. FORCED ENTRIES

- A. Officers are justified in making forced entries to take a mentally ill person into custody in the following circumstances:
 - 1. If officers observe or are aware that a misdemeanor is being committed inside.
 - 2. For any felony.
 - 3. If there is a reasonable belief that the person is a danger to self or others, or is gravely disabled.
- B. When possible, before the action is taken, officers should notify a supervisor of the reasons why forced entry would be necessary. If the situation demands immediate action, then officers shall notify a supervisor of the forced entry and any other pertinent information once the situation has been stabilized.

- C. Additionally, officers shall photograph any damage caused by the officers' actions, and document in an officer's report the reason for the forced entry, the supervisor that was notified, and a brief description of the photographs taken that document the damaged property.

XXII. JUVENILES

- A. Criteria for involuntary hospitalization, restraint, and transportation to a designated mental health facility is the same for juveniles as for adults. Although Palomar Medical Center's Behavioral Health Unit (BHU) cannot treat juveniles for mental illness, it is the hospital's responsibility to do a preliminary assessment and, if necessary, to provide for the juvenile's transportation to an appropriate facility for treatment.
- B. When detaining and transporting a juvenile on a 5150 hold, officers shall complete the 72-Hour Detention form, including the section requesting the name, address, and phone number of the juvenile's parent or guardian. Officers shall also complete the appropriate department report.

XXIII. TARASOFF NOTIFICATION INVESTIGATION

- A. Welfare and Institutions Code 8100(b)(1) reads as follows:

"A person shall not have in his or her possession or under his or her custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon(*) for a period of five years whenever he or she communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims."

(*) The meaning of "deadly weapon" is defined in Penal Code 16590 (a through z), and includes items such as zip guns, cane swords, unconventional knives, concealed dirk or dagger, high capacity magazine, concealed explosive substances, etc.

Per Welfare and Institutions Code 8105(c), a licensed psychotherapist must report a prohibited person to a local law enforcement agency. The agency is then required to conduct an investigation that includes ascertaining if any crime has been committed, determining if the criteria for a Tarasoff notification have been met, documenting the victim has been notified of the potential threat, and notifying the California Department of Justice (DOJ).

- B. LAW ENFORCEMENT REPORT OF FIREARMS PROHOBITION FORM
The California DOJ uses the information gathered on the BOF 4074 Law Enforcement Report of Firearms Prohibition form to place a prohibited person on the firearms prohibition list. The form explicitly requires the full name, date of birth or approximate age, sex, race, and complete address of the prohibited person, as well as the date the threat was reported, agency report/case number, law

enforcement agency, agency contact person, agency telephone number, and current date of report.

The form must be filled out and submitted to the DOJ within 24 hours of the investigation. Upon receipt of the form, the DOJ is mandated by law to notify the prohibited person of his or her status by certified mail. The DOJ does not need the accompanying officer report.

In addition, the BOF 4074 form is for Tarasoff notification reports only. The form is not to be used for any other crime reporting purposes, such as domestic violence cases.

The prohibition list is maintained by the DOJ within the Mental Health Firearms Prohibition System database.

C. PSYCHOTHERAPIST DEFINED

Evidence Code 1010 (a through p) defines the professions by which a mental health professional meets the definition of a psychotherapist. The professions include psychiatrist, psychologist, marriage and family therapist, licensed clinical social worker, registered nurse (specializing in mental health care), clinical counselor, and any supervised intern or trainee acting within the scope of the listed professions.

D. TARASOFF NOTIFICATION INVESTIGATION PROCEDURE

The following procedures shall be followed by all personnel when handling a Tarasoff notification investigation:

1. Verify the validity of the Tarasoff notification:
 - a. The R/P must be a licensed psychotherapist. Refer to section PSYCHOTHERAPIST DEFINED for clarification if necessary.
 - b. The prohibited person must have made a serious threat to physically harm an identifiable victim.

Note: The validity of the threat is not in question; the law reads, "...a serious threat of physical violence..." and does not include any guidance as to the meaning of a "serious threat of physical violence" within the context of the WIC 8100 statutes. In other words, whether the victim is in fear, the likelihood of the threat being carried out, or the conditions upon which the threat was made are immaterial. If a serious threat of physical violence is made, the threat qualifies for Tarasoff purposes as long as the other factors are in place.

- c. Confirm the licensed psychotherapist heard the threat from the patient or from a family member.

2. Assess the incident for associated crimes such as PC 422/Criminal Threats. If a crime exists, make the arrest. If an arrest is made, still complete the Tarasoff notification form, BOF 4074, and include the details of the Tarasoff notification in the arrest report. This is important in that should the criminal case be dismissed, the Tarasoff report still stands, keeping the five-year firearm prohibition in place.
3. Confiscate any firearms or other deadly weapons from the suspect if necessary.
4. Inform the intended victim of the threat and any other pertinent information.
5. Complete DOJ form BOF 4074 "Law Enforcement Report of Firearms Prohibition" and an officer's report. Submit the DOJ BOF 4074 form to the DOJ by fax. The fax number is listed on the form. The officer report or arrest report does not need to be faxed.

E. OFFICER'S REPORT NARRATIVE

The following documentation shall be completed:

1. Complete a dot-1 face sheet in NetRMS, including
 - a. Date and time of the incident
 - b. The reporting party's information, including his or her identification as a psychotherapist, phone number, and address.
 - c. The suspect's information, including name, address, date of birth, phone number(s), employment information, social security number, and physical descriptors.
2. On the narrative tab of the NetRMS report, refer to the 72-Hour Detention Form.
3. Write a thorough justification for the detention on the 72-Hour Detention Form.
4. In the event of a show of force or use of force, a Tarasoff notification, or other extenuating circumstances that cannot be adequately documented on the 72-Hour Detention form, an additional narrative shall be written in NetRMS.

XXIV. JUVENILES AND TARASOFF

Tarasoff cases involving juveniles are to be treated in the same manner as an adult. Juveniles the age of 17 are entered into the prohibition database by the DOJ. Juveniles below the age of 17 are not entered, but the DOJ still maintains the BOF 4074 form as part of their records.

XXV. ARREST SECTIONS

- A. Any person identified as being prohibited from owning a firearm or other deadly weapon pursuant to section Welfare and Institutions Code 8100(b)(1)—the Tarasoff statute—who is in violation of the code is guilty of a felony (wobbler).
- B. A person in violation of Welfare and Institutions Code 8103(f)(1)—the five-year firearm or other deadly weapon prohibition—is punishable pursuant to WIC 8103(i) which states:

“Every person who owns or possesses or has under his or her custody or control, or purchases or receives, or attempts to purchase or receive, any firearm or any other deadly weapon in violation of this section shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code or in a county jail for not more than one year.”

Welfare and Institutions Code 8103(f)(1) is the arrest section.

Furthermore, the firearm prohibition includes the owning, procuring, or possessing of ammunition. The applicable arrest section for a prohibited person in possession of ammunition is PC 30305(a)(1), which reads:

“No person prohibited from owning or possessing a firearm under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, shall own, possess, or have under custody or control, any ammunition or reloaded ammunition.”

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 06-07-21	NO: 4.23 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: PHOTOGRAPHS, USE OF CAMERAS, AND PROCESSING PROCEDURE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.23 Patrol/Traffic, dated December 9, 2020.

I. PURPOSE

To establish guidelines that will maintain high-quality photographs of evidentiary value and to develop procedures to track and handle all photographs taken by the Department.

II. GENERAL

Photographs should be taken when they will be of value during a criminal prosecution, in litigation involving the City of Escondido or its personnel, or where photographs would be of evidentiary value.

III. POLICY

A. It shall be the policy of the Escondido Police Department that photographs will be taken in most cases involving:

1. Crimes of violence;
2. All domestic violence injuries, including scratches, cuts, bruises, and lacerations;
3. Serious injury and fatal traffic accidents;
4. City equipment involved in property damage;
5. Where the City may become liable in a civil suit;
6. In any other instance where the photographs will provide evidence in the further investigation and prosecution of a criminal matter;
7. Whenever photographs of people, places, or property are likely to be needed for future investigative use;
8. For special events, details, or presentations;
9. All items that are impounded to the Property and Evidence Division shall be photographed prior to submission.

- B. The jail booking camera will be used to photograph any persons brought to the station for cite and release.
 - 1. Officers should take one head-on shot. Do not take a profile unless the subject has a unique characteristic. Photographs of identifiable tattoos are also acceptable.
 - 2. Do not take photos of persons while they are wearing hats or sunglasses. If a photo is needed with a hat or sunglasses, be sure to take a second photo without the hat or sunglasses.
- C. First responders who capture photographs of deceased persons at an accident or crime scene for any purpose other than an official law enforcement purpose is guilty of a misdemeanor and is prohibited. (California Penal Code Section 647.9(a))
- D. All personnel are prohibited from taking photos of deceased persons for any purpose other than an official law enforcement purpose.

IV. PROCEDURE

- A. If a camera is defective, the entire camera kit will be turned into the Quartermaster, and another camera kit will be issued.
- B. If a camera or any equipment is lost or stolen, the supervisor shall be notified and the proper report will be completed. A copy of the report will be forwarded to the Quartermaster.

V. USE, STORAGE, AND SECURITY OF DIGITAL PHOTOGRAPHS POLICY

- A. All digital photographs taken by Department personnel for evidence collection, crime scene processing, or any other official Department documentation will be taken with Department-owned and issued equipment. Use of personal cameras or cell phones for official business is prohibited.
- B. All digital photographs taken in the course of employees' duties are the exclusive property of the Escondido Police Department.
- C. All digital photographs taken by Department personnel for evidence collection, crime scene processing, or any other official Department documentation will only be stored in Department-authorized databases and not on any other system or network. Digital images taken of special events, for projects, or presentations are exempt.
- D. Digital photographs taken for an official Department purpose (evidentiary) shall never be altered. Enhancements to digital photographs do not constitute alteration. Enhancements will only be made to a copy of the original and will only be performed by authorized personnel.

- E. Under no circumstances will Department-owned images be deleted, copied, transferred, e-mailed, or printed prior to uploading into a Department-authorized database.
- F. No Department-owned digital photographs will be copied except for official business by authorized Department personnel.
- G. No Department-owned digital cameras or accessories will be used for anything other than official Department purposes.
- H. If a camera is requested for patrol, it will be issued through the Quartermaster. The camera inventory will be recorded and updated in TMS with other issued property by the Quartermaster.
- I. Personnel assigned digital camera equipment are responsible for the proper maintenance, storage, and security of the equipment.
- J. Issued digital camera equipment and settings should be checked regularly for proper performance. All equipment should be maintained according to the manufacturer's specifications and recommendations as contained in the operating manuals. When a piece of equipment fails to operate properly, the assigned officer shall notify their supervisor.
- K. All employees responsible for taking photographs will be provided adequate training on how to operate camera equipment and uploading to the authorized Department databases. Those responsible for further training include the Body-worn Camera Administrators, the Records Manager, Property and Evidence Division Personnel, Field Evidence Technicians, and the Forensic Services Unit.
- L. Evidence technicians, Forensic Services, and Traffic personnel may use Lossless format. Devices used for photographs should be set at the highest quality setting when appropriate.

VI. USE, STORAGE, AND SECURITY OF DIGITAL PHOTOGRAPHS PROCEDURES

- A. When photographs are taken at a crime scene, names of personnel who took the photos and uploaded them into the evidence database shall be recorded in a report.
- B. Generally, all Department evidentiary digital photographs will be uploaded into a Department-authorized database by the end of the employee's work day. Exceptions to this include complex or extensive investigations or evidence collection.
- C. Personnel should be prepared to testify regarding any photographic image that he/she has captured. In addition to documenting the use of digital cameras in each case, the report narrative should include any specific details necessary to facilitate courtroom presentation.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-10-16	NO: 4.25 PATROL
TO: ALL PERSONNEL	SUBJECT: PERSONAL PATROL VEHICLE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.25, dated January 9, 2015.

I. PURPOSE

To establish a policy relating to the care, use, and assignment of a Personal Patrol Vehicle (PPV).

II. GENERAL

- A. The term Personal Patrol Vehicle (PPV) pertains to any vehicle, marked or unmarked, assigned to an employee by the Escondido Police Department.
- B. The issuance of a PPV may be changed or discontinued at any time.
- C. It is the responsibility of the employee assigned to a PPV to exercise due care for his/her vehicle to prevent premature wear and tear, and to keep maintenance and repair costs to a minimum. The condition and appearance of a police vehicle is a direct reflection on the Department and its professional image.
- D. Each employee will sign an agreement outlining the intent, purpose, and limitations of the PPV plan.
- E. The use and the operation of a PPV is subject to the laws of the State of California, the rules set forth in the Escondido Police Department's Instructions, and the Escondido Police Department's Rules of Conduct manual.
- F. Each employee is responsible for the care and maintenance of his/her assigned vehicle. Employees shall accurately complete all forms necessary and maintain any records the City deems necessary.

III. VEHICLES

- A. The City of Escondido will outfit each PPV so as to meet the requirements set forth by the State of California for a law enforcement vehicle. The City of Escondido will additionally equip each PPV with equipment deemed necessary and appropriate based upon the needs of the City.
- B. Employees shall not add, delete, or modify any equipment installed on a PPV unless authorized by the Department's Fleet Manager.

- C. Employees shall not make any unauthorized repairs or modifications of any mechanical or physical aspect of a PPV unless authorized by the Department's Fleet Manager.
- D. The City of Escondido shall supply gas, oil, and all other maintenance items needed for the operation of the PPVs. Generally, employees will not use non-City of Escondido gas, oil, or other maintenance items unless authorized by the Department's Fleet Manager or Fleet Services. Exceptions include motorcycles, when City Pumps are inoperative and at out of area events where City fueling is not feasible.
- E. Each employee will completely and thoroughly check his/her PPV before placing it in service.
- F. Employees shall secure all weapons in accordance with Department Instruction 1.2B.

IV. VEHICLE MAINTENANCE

- A. Employees will conduct daily maintenance checks of any vehicle they drive prior to operating the vehicle.
- B. Non-emergency repair or service, including preventative maintenance service, will be scheduled with Fleet Services. Appointments will be made by calling the service manager at 839-4883. If the vehicle is taken to Fleet Services prior to the appointed date and time, it will be left on the "Vehicle Out of Service Line." A Vehicle Condition Report (FM713) documenting the repairs and service needed will be completed.
- C. All preplanned maintenance on a PPV should be scheduled on the employee's days off.
- D. Vehicles requiring immediate repairs or service shall be taken directly to Fleet Services. The vehicle will be left on the "Vehicle Out of Service Line." A Vehicle Condition Report (FM713) documenting the repairs or service needed will be completed.
- E. All weapons and laptop computers will be removed from all vehicles left on the "Vehicle Out of Service Line." The weapons will be stored in accordance with Department Policy.
- F. Employees shall not remove vehicles from the "Vehicle Out of Service Line" area or any third party repair facility without the expressed permission of Fleet Services or the Department's Fleet Manager.
- G. Officers operating marked police vehicles will inspect and test the emergency lighting and siren on a daily basis. Any vehicle with a defective or non-functioning

emergency lighting or siren will not be placed in service. Vehicles with defective or non-functioning emergency lighting shall be taken directly to Fleet Services for immediate repairs.

V. VEHICLE CARE

- A. PPVs shall be washed and cleaned as necessary. Employees, Police Explorers, or contracted car washes may do the washing and cleaning. Employees shall not, as a matter of routine, have their vehicles washed at a car wash more than one time each week.
- B. With the permission of a supervisor, officers living outside the take home mileage limit may take their PPV home once a month to detail the vehicle.
- C. Vehicles will be fueled when their gasoline gauge registers one half or below.
- D. Any theft or damage to equipment shall be reported to the Department immediately and a written report will be submitted to the Bureau Commander via the chain of command.
- E. With the approval of the Department's Fleet Manager, officers may leave their vehicle parked in their secured garage out of public view if they are going to be absent from work for more than four consecutive work days.
- F. For an extended leave, officers must leave their vehicle at Escondido Police Department's parking structure and make a notification to the Department's Fleet Manager.

VI. VEHICLE USES

- A. Use of the PPV shall be limited to the following:
 - 1. On-duty work assignments;
 - 2. To and from work assignments when the officer resides within the take home mileage limit (the Chief of Police may authorize an extension of the take home mileage limit for special assignments);
 - 3. To and from court where an officer's appearance is required;
 - 4. To and from mandatory training classes;
 - 5. Emergencies that arise with the approval of the on-duty Watch Commander;
 - 6. Any other activity approved expressly by the Watch Commander.

- B. Unauthorized persons shall not be permitted to ride in a PPV. Authorized persons are law enforcement officers, formally approved ride alongs (D.I. 1.31), authorized City employees, and other persons approved by the Watch Commander.
- C. While in transit, employees shall monitor the police radio. Employees operating a PPV, whether on or off duty, will be in contact with Dispatch via either the radio or CAD.
- D. When unattended, PPVs shall be locked at all times.
- E. Officers operating a marked PPV who observe a criminal violation will take appropriate enforcement action whether the employee is on or off duty.
- F. Employees involved in a traffic accident with a City vehicle or a PPV shall immediately notify the on-duty Watch Commander. The employee will follow existing policy for City Vehicles Involved in a Traffic Collision per City of Escondido Administrative Directive 20.
- G. Employees will use their safety belts while operating a PPV. Drivers of City owned vehicles will make sure that all passengers are legally restrained.
- H. Officers transporting prisoners will not make routine enforcement stops or contacts. Non-routine enforcement stops and contacts will be defined as stops and contacts where the danger to the public if no stop or contact is made outweighs the danger to the transported prisoner if a stop or contact is made.
- I. Employees will not use the carpool or HOV lanes unless there are two or more people in the vehicle. For vehicles with only one employee, FasTrak transponders for use in the carpool lanes are available for check out in Administration. Exceptions are allowed for enforcement stops in the HOV lanes or using the HOV lanes to respond to an emergency call.
- J. Vehicles will be driven directly to a work assignment from home and directly home from a work assignment. Stopping while en route will be held to a minimum. The acceptability of a stop will be based upon the length of the stop, the location of the stop, and the activity being conducted while at the stop.

VII. EMPLOYEE ATTIRE

- A. Employees operating a PPV to and from their regular work assignment will wear a uniform or the attire appropriate for their work assignment.
- B. Employees operating a PPV to and from a training assignment will wear a uniform or attire appropriate for the training assignment.
- C. Employees not dressed in police uniform driving a marked PPV shall wear appropriate attire. For example, court attire, or Range attire. All officers will have

an approved sidearm, ammunition, handcuffs and a vest or jacket to identify themselves.

- D. Motorcycle officers shall be dressed in full uniform anytime while riding a police motorcycle on a roadway.

VIII. VEHICLE ASSIGNMENT

- A. No one other than the assigned officer shall operate a PPV except upon the express permission of the Watch Commander or the Department's Fleet Manager.
- B. When an employee uses a PPV not assigned to him/her, the employee shall note the use on a Vehicle Sign Out sheet prior to using the vehicle.
- C. Employees whose assigned PPV is out of service are to use a pool car. Pool cars are listed on the Vehicle Assignment board.
- D. Pool cars are available for day-to-day use only. Pool cars must be signed out on the Vehicle Sign Out sheet. Normally, employees whose PPV is out of service for an extended period of time cannot take a pool car home; however, a pool car could be assigned temporarily to an officer if there is an adequate supply of pool cars upon approval by the Department's Fleet Manager.

IX. ISSUANCE OF PERSONAL PATROL VEHICLES

PPVs will be issued to personnel by the Department's Fleet Manager. As a general rule, the Fleet Manager will utilize a system (plan) that attempts to issue PPVs based on seniority, age of vehicle, and the needs of the Department.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 01-20-22	NO: 4.26 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: USE OF TIRE DEFLATION DEVICES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 4.26 Use of Tire Deflation Devices, dated October 7, 2020.

I. PURPOSE

The purpose of this policy is to provide sworn personnel with specific guidelines for utilization of tire deflation devices as a means for the termination of vehicle pursuits.

II. POLICY

Sworn personnel may elect to deploy a tire deflation device to terminate a vehicle pursuit or in certain situations to prevent a parked vehicle (such as a parked stolen vehicle or other type of felony vehicle) from becoming mobile.

The on-duty supervisor's authorization should be obtained prior to deploying a tire deflation device.

III. DEFINITIONS

There are two types of tire deflation devices used to terminate or prevent vehicle pursuits.

1. Linear devices (commonly called "spike strips" or "stop sticks") that contain hollow spikes that, once deployed, allow for the controlled deflation of the tires of a moving vehicle.
2. Small palm sized devices (commonly called "rat-traps") that can be positioned in front of or behind the tire(s) of a stopped vehicle to reduce the chance of a high speed vehicle pursuit if the vehicle was to go mobile.

IV. PROCEDURES

- A. Prior to deployment of a tire deflation device (either moving or stationary), a deployment plan should be formulated and include the following:
 1. Provisions for close communication and coordination between pursuing units (including allied agencies) and the officer deploying the deflation device.
 2. Pursuing units should be notified as far in advance as possible.
 3. Sworn personnel deploying the deflation device should allow for sufficient time for deployment.

4. Deployment locations should have good sight distances to enable sworn personnel deploying the deflation device to observe the pursuit and other traffic as it approaches.
 5. Due care should be exercised when deploying the deflation device to reduce the possibility of damage to uninvolved vehicles and pedestrians. After deploying the device, personnel should immediately seek protection.
 6. The deflation device shall only be deployed by sworn personnel who have been properly trained in its use and the deployment plan must meet the listed protocol.
 7. The deflation device generally should not be used in locations where geographic configurations increase the risk of injury to the suspect or other persons located in the deployment area. These areas include, roadways bounded by steep descending embankments or curves, and populated areas.
 - a. For the purpose of this policy, populated areas are defined as:
 - (1) Any area where people or vehicles are present in such concentration that the presence of additional persons and or vehicles significantly increases the probability that uninvolved persons could be in a hazardous position should the driver of the intercepted vehicle lose control of the vehicle as a result of the use of a tire deflation device. Examples of these areas are:
 - (a) School zones with students present
 - (b) Heavily utilized pedestrian traffic areas
 - (c) Roadways during periods of high traffic volume
 8. The use of “rat-trap” devices should only be used when the deployment of such device can be done with reasonable safety to deploying personnel. This should include a safe, discreet plan of approach to the vehicle.
- B. The tire deflation device should not be deployed to stop any of the following:
1. Motorcycles or similar vehicles.
 2. Any vehicle transporting hazardous materials, as defined in California Vehicle Code Section 2402.7. Examples of hazardous materials include but are not limited to radioactive material, poison, flammable gas, nonflammable gas or flammable liquids.
 3. Any passenger bus transporting passengers, including school buses.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 07-21-16	NO: 4.27 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: RESPONSE TO HAZARDOUS MATERIALS INCIDENTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supercedes Department Instruction 4.27 Patrol/Traffic, dated October 1, 2003.

I. PURPOSE

The purpose of this Instruction is to establish general guidelines that ensure an adequate response in the event of hazardous material incidents occurring within the city of Escondido.

II. GENERAL

In accordance with California Government Code Section 8574.8(c) and Vehicle Code Section 2454, the Escondido Police Department entered into an agreement with the Escondido Fire Department as the primary incident manager of all hazardous material incidents occurring upon the public right-of-way, highways, and private property located within the city of Escondido. This agreement was reached in the interest of developing a unified management system.

This agreement does not include the management of clandestine drug laboratory seizures or transportation incidents involving clandestine drugs, precursors, and clandestine laboratory equipment. However, this agreement does include, but is not limited to, chemical, fire, gaseous, explosive and radioactive incidents occurring anywhere within the city limits, except upon freeways under the jurisdiction of the California Highway Patrol.

This Instruction is designed to provide guidance to all police personnel responding to hazardous material or toxic spills, accidents, leaks or fire incidents, and to identify police responsibilities.

III. DEFINITION

A. A general definition of a hazardous material is, "A substance or material which has been determined to be capable of posing an unreasonable risk to health, safety, and property." Hazardous materials as they relate to transportation are classified under the following groups:

1. Explosives
2. Gases
3. Flammable liquids

4. Flammable solids
5. Oxidizers and organic peroxides
6. Poisons
7. Radioactive materials
8. Corrosives
9. Others

B. Thousands of substances are included in these categories. In general, it can be stated that most hazardous materials are heavier than air and will, therefore, seek a low point. Many of them will form a gaseous cloud that will be blown by the wind; therefore, operations should be conducted from upwind, uphill, or upstream of the scene.

IV. REQUIREMENTS TO USE I.C.S.

The Standard Emergency Management System (SEMS) regulations state that where an agency has jurisdictional authority over a multi-agency emergency incident, it shall organize the field response using I.C.S. (Incident Command System).

Hazardous materials incidents are critical incidents and, therefore, I.C.S. should be used in response.

V. LAW ENFORCEMENT RESPONSE

- A. When approaching the scene of an accident involving any cargo shipment, certain safety precautions should be taken immediately and remain in force until the cargo has been determined to be non-hazardous, or until the hazardous cargo has been neutralized. These basic safety precautions are:
1. Move and keep people away from the incident scene. While the North American *Emergency Response Guidebook* (ERG) will give evacuation distances on known substances, there may be times when identification of a material is not possible. A basic rule to follow on minimum evacuation distances is 75 feet for solids, 150 feet for liquids, and 300 feet for gases. This, of course, depends on the size of the incident, larger incidents may call for larger evacuation distances;
 2. Some incidents may call for people to shelter in place. If evacuations are necessary, identify and obtain a location for evacuated persons to remain during the incident;

3. Identify contaminated persons and isolate them for medical treatment when the Fire Department arrives on scene;
4. Do not walk into or touch any spilled material;
5. Avoid inhalation of all gases, fumes, and smoke, even if no known hazardous materials are involved;
6. Do not assume that gases or vapors are harmless because of lack of smell;
7. Identify the cargo as soon as safely possible, using the above safety precautions;
8. Rescues and spill containment are the responsibility of the Fire Department, as they have the safety equipment and training to perform this type of function.

B. Situation Estimates

A developing contamination emergency can rapidly expand to major proportions during the time it takes to organize a control force. A prompt evaluation of the situation followed by a request for the necessary resources could mean the difference between an emergency of short duration and one that continues for a prolonged period; therefore, a situation estimate must be formulated without delay and transmitted to the Dispatch Center. Always overestimate. It should include:

1. Type of emergency;
2. Type of substance; i.e., powder, liquid, solid;
3. Chemical identification if possible;
4. Type of structure(s) and/or vehicle(s) involved;
5. Size of involved area (actual or potential);
6. Number of additional officers required;
7. Field command post location;
8. Staging area location;
9. Assistance required (e.g.; Fire Department, Paramedics, Public Works);
10. Routes of ingress and egress;
11. Identification of an isolation location for contaminated persons;

12. Weather conditions.

C. Determining the Need For a HazMat Team

The Fire Department is primarily responsible for contacting a HazMat Team. If for some reason, the Fire Department is not available, the following is a list of questions that may be asked by a first responder or incident commander in order to determine whether the Hazardous Materials Team should be contacted.

If any of the following questions are answered, "Yes," or there is doubt as to the situation, call the HazMat Incident Response Team (HIRT) for assistance, using your established communications network.

1. Is a chemical involved in an accident, fire or explosion, which has resulted in a spill or release to the ground, water or air?
2. Is the material involved hazardous, flammable, corrosive, toxic or reactive?
3. Are there any known adverse effects to the public or the environment from contact with the materials or their fumes?
4. Is anyone complaining of an exposure or showing signs of illness or distress?
5. Has there been an evacuation from the area as a result of a spill or release?
6. Is the material uncontained?
7. Has the material entered sewers, storm drains, streams, ocean waters, or the atmosphere?
8. Are chemicals abandoned in unmarked containers?

VI. PLACARDS AND SHIPPING PAPERS

During a contamination emergency, identification of material is critical.

NOTE: Officers shall not enter a contaminated area to attempt such identification where there exists a threat to officers' safety. Identification can frequently be made from a distance with the use of binoculars and the North American *Emergency Response Guidebook* (ERG). If identification of the material is not possible, identification should be delayed until other safety personnel (i.e., Fire Department or Health Department) arrive with protective equipment.

- A. To facilitate material identification, the Department of Transportation (DOT) has implemented a system where each hazardous material is assigned a permanent four-digit identification number. The identification number may be displayed on

the 11-inch diamond-shaped placard or on a 6 x 16-inch rectangular orange panel. In any case, the identification number will be displayed on both ends or both sides of the transporting vehicle. The identification number can also be located on shipping papers, preceded by the letters UN or NA.

- B. Shipping papers (waybills, manifests, bills of lading) are required while the vehicle is in transit and must be located lying in the passenger's seat or in the compartment of the driver's door. A parked vehicle must have the shipping papers lying in plain view on the driver's seat. If a mixed cargo is being transported, hazardous materials shipping papers must be placed on top of all other shipping papers.

On trains, shipping papers must be carried on the person of the train conductor. In all cases, shipping papers will contain the identification number of the product being transported.

- C. Once the identification number has been located, it can be utilized in conjunction with the United States Department of Transportation's North American *Emergency Response Guidebook* (ERG). The guidebook identifies hazardous materials by number and/or material name, and provides on-scene safety personnel with initial information regarding:

1. Health hazards;
2. Fire or explosion possibilities;
3. First-aid measures;
4. Isolation distances for small and large spills;
5. Emergency actions; i.e., perimeter size, special equipment, and containment procedures;
6. The DOT's *Emergency Response Guidebook* (ERG) will be located in the watch commanders' office, supervisors' vehicles, patrol vehicles, and the Dispatch Center;
7. The DOT's *Emergency Response Guidebook* (ERG) is also online and can be accessed by Dispatch. All that is required is the four-digit number assigned to the chemical, which is found on the shipping papers or on the placard of the vehicle. Once the number is given to Dispatch, they can enter it and relay all of the current information available in the guidebook.
8. Officers requesting additional information on a specific material can contact the Chemical Transportation Emergency Center (CHEMTREC) in Washington, D.C. Contact may be made either directly or via the Dispatch Center. This organization provides immediate advice for those at the scene of a hazardous material contamination emergency and will contact the

shipper of the involved materials for more detailed assistance and appropriate follow-up. CHEMTREC operates 24-hours a day to receive toll-free calls (1-800-424-9300). Personnel contacting CHEMTREC should be prepared to relate the following details:

- a. Type of container; e.g., rail tanker car, semi-trailer, or truck van;
- b. Quality of material;
- c. Name of transporter, shipper, or manufacturer;
- d. Placard information;
- e. Shipping papers information;
- f. Rail car or truck number.

Usually, Fire Department personnel will obtain the necessary information, but officers should be ready to assume this task if Fire Department personnel are delayed.

VII. SCENE RESPONSIBILITIES

The initial response and assessment of any hazardous materials incident is normally the responsibility of the Fire Department. The Fire Department makes the initial assessment, activates HIRT, and initiates those steps necessary to secure the scene and protect the public. HIRT will provide assistance with incident evaluation and mitigation. Law enforcement personnel will normally be utilized to close streets, limit access, and evacuate affected areas. However, due to our routine presence and response to public service, it is not uncommon for law enforcement personnel to be the first to arrive at a hazardous material incident. The primary objectives of law enforcement are the preservation of life and property and the maintenance of law and order. These objectives will be attained through supporting the Incident Commander with the following functional objectives, and steps may be taken, at the discretion of the field supervisor, upon our first assessment, to:

1. Establish an Inner and Outer Perimeter: The size of perimeters should be based upon the assessed hazard to personnel. Only those emergency personnel who are wearing appropriate protective clothing and equipment should enter the inner perimeter, referred to as the HOT Zone. Upon arrival of Fire personnel, Police personnel will be responsible for outer perimeter security/crowd control only, referred to as the COLD Zone.
2. Establish Emergency Traffic Routing and Entry/Egress Procedures: The rerouting of traffic around the hazard and entry/egress routes for Fire, HIRT, ambulance, Public Works, Health, Coroner, HazMat Cleanup, and other emergency services personnel shall be established.

3. Establish Evacuation Procedures and Security Patrol: Any persons within the perimeter may be evacuated per 409.5 P.C., as deemed necessary by the assessing officer, responding police supervisor, or by order of the Incident Commander as the incident escalates. Security patrol in evacuated areas shall be established.
4. Assist in Establishing Command Post and Incident Control: The responding police supervisor shall coordinate with the Incident Commander to assist in establishing a unified command post, the coordination of a communications network, the mobilization of personnel from supporting agencies (i.e., Coroner's office, ambulance services, Health Department, Public Works, California Highway Patrol, etc.) and assist in establishing multi-agency staging areas, receiving and disseminating warning information, implementing an aerial survey of the hazard area, and supporting rescue efforts, besides the above responsibilities.
5. Maintain Morgue Security.

VIII. SAFETY GUIDELINES

- A. When approaching an accident scene involving hazardous materials, officers should follow the following safety rules:
 1. Assume the cargo is hazardous until otherwise determined. Obtain the identification placard color and/or number on a commercial carrier vehicle, only if it can be obtained safely. Do not trust placards. Truckers often do not change them after loading and unloading.
 2. Stay upwind of the incident and keep out of low areas where gases could concentrate.
 3. Do not walk into, wade through, or touch any spilled materials. Do not attempt to obtain samples for Fire Department personnel.
 4. Don't attempt the impossible rescue of injured citizens or officers. If another person was overcome by hazardous materials, you most likely will be also. Do not contribute to the problem. Wait for help to arrive and provide common sense assistance.
 5. Avoid inhalation of all gases, fumes and smoke. Do not assume gases or vapors are harmless because of lack of smell.
 6. Avoid the use of flares whenever possible, and no smoking in the immediate area of the perimeter. Move away from combustible materials (wood, paper, oil, gas, etc.).
 7. Avoid eating, drinking or hand/finger-to-mouth contact while at the scene and until after cleanup.

8. If material is positively identified and is not an immediate health threat, stop leaks or unhook tractors if it is necessary to mitigate the spread of hazardous materials.
9. In case of clothing, skin or eye contact with any hazardous material, remove and isolate all contaminated clothing and equipment as soon as possible. Flush eyes or skin with running water for at least 15 minutes, and wash yourself thoroughly.
10. Immediately report any exposure to another officer, your supervisor, and seek emergency medical treatment.

B. Contaminated Personnel

1. Isolate them from uncontaminated personnel.
2. The Fire Department may order contaminated personnel to remove all clothing and equipment and be washed down.
3. Clothing, including uniforms and equipment such as leather belts, must be sealed in plastic bags marked "Contaminated," not unnecessarily handled, and held for decontamination or disposal.
4. Any Department personnel who may have become contaminated should receive medical treatment.

C. News Media Personnel

1. News media personnel desiring to enter the contaminated area should be thoroughly warned by a supervisor, in the presence of witnesses, of the dangers of contamination insofar as they are known. There is no authority to stop news media personnel from entering the closed area, unless it has been legitimately declared a crime scene. News media personnel who enter the contaminated zone must be monitored for contamination when leaving the zone. ALL equipment they carry stays inside the contaminated zone until it can be decontaminated.
2. The Police Department will maintain the responsibility for disseminating information relating to the Police Department's operations and law enforcement activities at hazardous material incidents, per Department Instruction 1.7. This includes numbers and locations of involved department personnel, arrests, charges, looting, violence, evacuations, rescues, geographic locations closed by the Department for public safety, law enforcement mutual aid, civilian and law enforcement personnel injuries, and other law enforcement-related information.

D. Crime Scene Responsibilities

1. The magnitude of the incident and type of hazardous material will have an effect upon our ability to gather the appropriate evidence under conventional law enforcement methods, and will require close coordination and cooperation between the Fire Department and other emergency service providers. Our first responsibility is to public safety and may require that evidence be gathered after recommended safety measures are taken to abate the potential dangers to the public and emergency personnel.
2. Crime scene responsibility will be the responsibility of the Patrol supervisor and may be relinquished to the Investigations supervisor or Traffic supervisor, depending on whether the incident is on- or off-highway-related, the expertise needed, and the magnitude of the incident.
3. Any evidence collection inside the inner perimeter before the area has been declared safe by a "Site Safety and Health Supervisor" will be accomplished by a "Qualified Person" with hazardous waste site training and wearing the appropriate protective clothing. Allied agencies (i.e., SDSO Crime Lab, SDPD Crime Lab, CHP Carrier Enforcement, CalTrans, HazMat, etc.) with the technical and appropriate equipment may be called to assist in the collection process.

IX. HAZARDOUS MATERIALS INCIDENTS CHECKLIST

Refer to attached checklist from the *Law Enforcement Guide for Emergency Operations*.

HAZARDOUS MATERIALS INCIDENT CHECKLIST

This checklist is intended to assist the field supervisor with the stages of a spill or release of a hazardous material substance or waste. These guidelines are flexible and can be modified to deal with specific situations.

Special Considerations:

- Be aware of and avoid self-contamination.
- Do not drive through the contaminated area.
- Do not eat, drink, or smoke near the area.
- Do not use flares—request barricades for traffic blocks.
- Do not touch any substances or articles involved—treat all as contaminated until otherwise determined.
- Stay upwind of scene—monitor wind direction changes.
- Gas masks *do not* filter toxic vapors.
- Keep all non-emergency personnel away from scene.
- Do not permit unauthorized clean up of hazardous materials such as wash downs, dilution etc. These mitigation measures should only be undertaken by trained and equipped hazardous materials technicians or specialists.

Notifications

- The Governor's Office of Emergency Services on all incidents
- Local Fire/Rescue
- Hazardous Materials Team
- Medical assistance
- Fish and Game, on threat to natural wildlife
- US Coast Guard, if waterways involved
- California Highway Patrol, if state highway (see 2453 and 2454 V.C.)
- Administering agency

- Appropriate Federal agencies; i.e., EPA

Situation Assessment:

- Type of accident, type of premises, vehicles involved
- Location of incident, size of involved area
- Direction of fluid or vapor travel
- Property and/or vehicle owner's name
- Placard information, color of smoke, description of odor
- Name of substance if known
- Determine health hazards
- Symptoms of injured persons, number of injured
- Weather conditions, wind direction, speed, and any expected changes
- Degree of danger at site, potential danger to surrounding area, city, and emergency crews
- Ingress/egress routes for responding emergency personnel
- Command Post location and staging area site

Initial Response:

- Closure of immediate area
- Establishing perimeter control
- Maintaining journal of activities
- Providing liaison with fire and other emergency response units
- Establishing Command Post upwind of location
- Initiating control activities in coordination with other emergency units

Evacuation:

- Give situation estimate to incident commander.

- Decision to evacuate should be made by incident commander.
- Develop control plan to evacuate.
- Establish Command Post to coordinate evacuation.
- Determine evacuation facilities for evacuees.

Contaminated Personnel:

- Isolate from non-contaminated personnel.
- Remove all clothing and equipment for wash down of contaminated area of body.
- All clothing and equipment placed in sealed containers.
- Seek medical treatment as soon as possible.

Incident Investigation:

- Collect information for incident reporting.
- Should not begin until area has been decontaminated; however, evidence should not be disturbed until evaluated and recorded.
- May be jointly conducted with other involved agencies.
- Should provide all available information and assistance to other agencies.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-09-20	NO: 4.30 PATROL/TRAFFIC
TO: ALL PERSONNEL	SUBJECT: UTILIZATION OF CUSTODY TRANSPORT OFFICERS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes D.I. 4.30, dated August 29, 2013.

I. PURPOSE

To establish policy and procedure for the utilization of Custody Transport Officers (CTOs) for the transportation and processing of persons in the custody of the Escondido Police Department.

II. OVERVIEW

The Escondido Police Department has established a position for part-time armed Custody Transport Officers to transport and process persons in the custody of the Escondido Police Department, and to perform other duties related to the administration of custody-related duties as authorized by Penal Code Section 831.

PC 831.5(b) says, A custodial officer shall have no right to carry or possess firearms in the performance of his or her prescribed duties, except, under the direction of the sheriff or chief of police, while engaged in transporting prisoners, guarding hospital prisoners: or suppressing jail riots, lynchings, escapes, or rescues in or about a detention facility falling under the care and custody of the sheriff or chief of police.

III. GENERAL RULES

- A. Comply with all applicable Department Instructions and Rules of Conduct.
- B. Begin each shift on time.
- C. Check in and check out with the on-duty Watch Commander throughout the day.
- D. Inspect the jail facility and all related equipment each work shift.
- E. When in the jail facility, conduct hourly jail / prisoner checks and make appropriate log entries.
- F. While in the jail facility, continuously monitor prisoners.
- G. Inspect all logs and records for accuracy of entries.
- H. Evaluate the jail for needed supplies.
- I. Conduct any cleaning or maintenance needed for continuous functioning of the jail.

- J. Report any discrepancies to the on-duty Watch Commander.
 - 1. Make correction on logs (if appropriate).
 - 2. Order supplies.
 - 3. Make appropriate maintenance notifications.
- K. Assist arresting officers in the booking process when available.
- L. Remain 1019 and in the jail unless:
 - 1. Transporting prisoners to a custodial facility;
 - 2. Transporting prisoners to a medical facility;
 - 3. Picking up a prisoner from a field unit;
 - 4. Picking up prisoner meals;
 - 5. Conducting activity at the specific direction of supervision and for a limited duration.
- M. Be in approved uniform.
- N. Be logged on to CAD.
- O. Update locations / activities concurrent with status at that moment.
- P. Respond to all radio traffic directed to them.
- Q. Update the Watch Commander or supervisor regarding delays in transport or other jail / prisoner related events.
 - 1. Notify Watch Commander of prisoners with medical / mental health issues.
 - 2. Advise on jail / prisoner status when leaving jail.
 - 3. Advise on rejects from custodial facilities PRIOR to transport to alternate facility (i.e., hospital).
- R. Check out with the on-duty Watch Commander at conclusion of shift and provide specific details related to jail / prisoner status.
- S. Fuel vehicles when their gasoline gauge registers one half or below.
- T. Write reports as required which include documentation of any use of force.

IV. CODE 7s AND 10-10s (MEAL BREAKS)

- A. Code 7 shall not exceed 30 minutes. 10-10s shall not exceed 20 minutes.
- B. CTOs will take Code 7 and 10-10s in the station unless authorized by a supervisor.

V. GENERALLY PROHIBITED DUTIES

- A. CTOs are generally prohibited from:
 - 1. Acting as cover officers;
 - 2. Handling radio calls not specifically related to prisoner transport / processing;
 - 3. Remaining 10-8 in the field;
 - 4. Using the LPR car or other specialty vehicles except the prisoner van;
 - 5. Stopping to assist stranded motorists or stopping for routine traffic collisions while a prisoner is in the car.
 - a. These situations expose the Department to liability as well as significant officer safety issues.
 - b. CTOs shall immediately summon help by radio and continue to their destination.
- B. Stopping to / from a transport destination without a prisoner for any purpose other than life threatening emergencies (without Watch Commander approval).

VI. LIFE-THREATENING EMERGENCIES

- A. CTOs will broadcast the reason for the stop along with location and resources needed.
- B. CTOs will leave the scene once other first responders arrive.

VII. EQUIPMENT

- A. CTOs will drive appropriately equipped Escondido Police vehicles.
- B. The Escondido Police Department will provide CTOs with the use of the Department's Prisoner Transport van as needed.
- C. The Escondido Police Department will issue CTOs a Department RCS portable radio.

- D. All required uniforms and safety equipment of the CTOs will be provided by the Escondido Police Department. CTOs will be provided one uniform at the beginning of employment, and one replacement uniform annually. Appropriate footwear will be obtained at employee expense. CTOs may purchase the Patrol LBV at their own expense.

VIII. CTO SCHEDULING

- A. Schedules will be assigned at the discretion of the Watch Commander / Patrol Supervision.
- B. Schedules will be coordinated through the CTO Sergeant (collateral duty assigned to Patrol Sergeant).
- C. CTOs requesting days off or modification of the schedule shall contact the CTO Sergeant directly.
- D. Scheduling will be determined by patrol needs / peak activity hours.

VIX. PRISONER PROPERTY HANDLING PROCEDURES

Prisoner property with no evidentiary value and not subject to seizure will be handled in accordance with the following procedures:

- A. Property will be removed from the prisoner as a part of the arrest/booking procedures. In the event the person in custody is transferred to a CTO in the field, or at any other time prior to the completion of processing, the arresting officer, or other assisting sworn officer will be responsible for removing and accounting for all property prior to any transport by a CTO when possible. The same officer will be responsible for completing an EPD Form 175 prior to releasing the property to a CTO. The property inventory will be verified by the CTO who takes custody of the prisoner in the field. The CTO will initial the EPD Form 175.
- B. The transporting/processing officer will inventory all prisoner property during processing at EPD jail. Additional items of personal property not discovered and documented in the field prior to transport will be added to the EPD Form 175. The prisoner will be required to review and initial the EPD Form 175, acknowledging the accuracy of the inventory when possible. The original EPD Form 175 will be kept in the property envelope. The copy of the EPD Form 175 will be maintained with the case file.
- C. If the prisoner refuses to review and initial the EPD Form 175 or disputes the accuracy of the inventory, the transporting/processing officer or CTO will notify the arresting officer and a police supervisor as soon as possible. The arresting officer will document the refusal on the EPD Form 175 and in his/her arrest report. The arresting officer will document all discrepancies in the arrest report.

- D. The transporting/processing officer or CTO will put all prisoner property and currency in the appropriate property bags, seal the bags and attach the prisoner booking slip. The transporting/processing officer or CTO will store all of these items in a prisoner property bin.
- E. If the prisoner is booked into a detention facility, the property envelope and currency shall be turned over to the intake deputy.
- F. If the prisoner is not booked into a detention facility, the property envelope shall be returned to the person at the time of his/her release.

X. REVIEW PROCESS FOR ACCEPTING CUSTODY TRANSPORT OFFICERS

- A. The Training Division will complete a background investigation of the CTO and the completed background packet will be approved by the Training Sergeant. Notification will then be made through Administration to the CTO Sergeant that the applicant may move forward in the hiring process.
- B. The Uniform Bureau Captain will recommend hiring the applicant upon approval of the Chief of Police.
- C. All records pertaining to personnel approved for use as Custody Transport Officers will be maintained in the Police Administration Office.

XI. TRAINING

- A. The Uniform Bureau Captain will be responsible for training and other issues.
- B. The Escondido Police Department's Training Division will coordinate all position specific training. Training will include but will not be limited to:
 - 1. Initial Orientation: Orienting new CTOs to the Escondido Police Facility and reviewing operating policies.
 - 2. Escape Procedures: Procedures CTOs are to follow in the event of an escape or an attempted escape.
 - 3. Life Safety Procedures: Procedures CTOs are to follow to ensure officer safety, and the safety of persons in custody.
 - 4. Report Writing Procedures: Procedures CTOs are to follow when completing reports, logs, forms and other required reports.
 - 5. Incident Response Procedures: Procedures CTOs are to follow in the event of an unusual incident involving a person in custody.

- C. The Training Manager will review all new CTO training records and will certify the minimum training requirements have been met before the CTO will be allowed to serve without a training officer present.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-23-20	NO: 5.2 LEGAL
TO: ALL PERSONNEL	SUBJECT: OFFICER DUTIES INVESTIGATING PRIVATE PERSON ARRESTS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 5.2, dated September 21, 2017.

I. POLICY

The purpose of this policy is to instruct all officers of their duty under law to determine the lawfulness of a private person arrest, and related procedures to be undertaken in accordance with law and Department procedures.

II. REGULATIONS

A. Probable Cause Required

Federal law requires officers to determine if probable cause exists to support a lawful arrest by a private person before an officer receives the arrest from the private person. Officers are now required to assess or adjudge the private person's probable cause to have a reasonable basis for believing the arrest was lawful. Do not accept custody of the private person arrestee even for the short time it takes to complete the P.C. 849 release if probable cause is insufficient to support the arrest.

B. Officers No Longer Immune from Liability

Under the federal rule, officers are no longer immune from liability for false arrest or false imprisonment if the officer receives the arrest status from a private person unless the arrest was lawful based upon the officer's determination that probable cause did exist to believe the individual committed a crime arising to an arrestable offense.

C. Assembly Bill 1835 (2002) and Penal Code 142(a)

In light of the federal law, the State of California passed Assembly Bill 1835 (2002) into law deleting those arrests made pursuant to P.C. 837 from the mandate of P.C. 142(a) and, therefore, not placing an officer in jeopardy of felony prosecution if the officer refuses to accept a private person's arrest if the arrest was without probable cause or in some way was unlawful.

III. PROCEDURES

A. Department Policy and Officer Procedure

Members of this Department are required to follow the federal guidelines requiring officers to evaluate whether or not there exists probable cause to support that an arrestable crime occurred and the person being delivered to the officer for peace officer arrest custody status is reasonably believed to be the person who committed the offense before accepting the arrest.

If it is determined that there is insufficient probable cause for arrest, the officer shall explain the legal requirements for probable cause to the person who has or who is attempting a private person arrest, and not accept arrest custody status. In these cases, a supervisor should be notified in order to mitigate any potential liability concerns or citizen complaints.

B. Documentation

Officers are required to document all incidents of private person arrests whether or not it results in the officer accepting arrest. The following type of documentation required is based on individualized case circumstances.

1. Crime Reports Required

Crime reports are required in all instances wherein the reporting party describes and/or the officer establishes the elements of a crime, an arrest was attempted but not completed, or an arrest was made and accepted.

If there exist elements to support the documentation of a crime report, but there is insufficient probable cause for the officer to accept a private person arrest, the officer is required to document the circumstances and reason for determining the insufficient probable cause for arrest.

Persons who were subjected to private person arrest, but not accepted for peace officer arrest, will be identified in the narrative portion of the crime report, but not listed in the ARJIS suspect data entry boxes.

2. Officer's Report Required

In situations where an officer determines that there does not exist information sufficient enough to establish that a criminal act occurred, but a private person has or has attempted to make an arrest, an officer's report will be completed detailing the circumstances, identifying involved parties and describing officer actions.

C. General Legal Considerations

It should be noted that nothing in this policy regarding the federal rule of the duty officers have to determine probable cause before accepting custody of a person who was subjected to a private person arrest changes an officer's ability to conduct a temporary legal detention or stop while investigating to determine if a criminal act occurred as reported.

Remember, in order for an investigative stop or detention to be valid, you must have a "reasonable suspicion" that something relating to a crime has just happened, is in progress, or is about to occur, and the person you are about to detain is connected with that "reasonably suspected" criminal activity. A temporary "detention" or "stop" is an exertion of peace officer authority that is something less than an arrest.

You must have specific facts that you can articulate to a court. The court will decide if your facts, together with your training and experience, were sufficient to make your suspicion objectively reasonable.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 03-07-18	NO: 5.3 LEGAL
TO: ALL PERSONNEL	SUBJECT: W&I 601: RUNAWAY, TRUANT CURFEW, INCORRIGIBLE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 5.3 Legal, dated January 28, 2004.

I. PURPOSE

To establish policies regarding the enforcement of juvenile laws relating to violators of W&I 601.

II. GENERAL

A. Truant

1. A juvenile may be taken into temporary custody for violation of truancy laws for the purpose of transporting the student to school, home or to the Escondido Police Department. The juvenile may also be released to a parent/guardian at the scene.
2. All truant reports will be entered and completed in RMS.
3. If school is in session for the truant juvenile, the juvenile should be transported to school and released into the custody of appropriate school personnel. The officer or school personnel should later notify the parent/guardian of the juvenile of the truancy.
4. If the juvenile is unable to return to school (due to suspension or other verifiable reason) the juvenile should be transported home or to the Escondido Police Department. If transported home, the juvenile shall be released into the custody of a parent/guardian. If no parent or guardian is present at home, the parent or guardian should be contacted and advised that the juvenile will be released at home on his/her own recognizance. If the juvenile is transported to the Escondido Police Department, release should be made to the parent or guardian.

B. Runaways

1. In accordance with D.I. 3.3, reports will be taken on all runaway juveniles.
2. Minors who do not meet 602 W&I criteria will not be detained in the Department lockup facilities. They will be placed in a non-secure location with adequate supervision. Maximum detention time is six hours. However, the minor may remain on the premises voluntarily.

3. All runaway juveniles, unless released to the parents or legal guardian at the station, should be transported to Polinsky Children's Center unless they are a delinquent ward. If the runaway juvenile is a delinquent ward, or if they are under arrest for a new criminal charge, they should be transported to Juvenile Hall. *(If the minor has a social worker, the minor is a dependent ward; if the minor has a probation officer, the minor is a delinquent ward. There are no dual situations.)*

The San Diego County Juvenile Hall will not accept out-of-state or out-of-county runaways who are active dependent wards (not delinquent wards or WIC 601 wards). If the juvenile has run away from his out-of-state/out-of-county residence and is a known dependent ward in this state or another state, the juvenile should be taken to Polinsky Children's Center, as the juvenile must be detained in a non-secure facility and be segregated from delinquent minors.

This Department of Probation policy change originated from the Board of Corrections, which monitors Juvenile Hall's compliance with applicable laws. The Health & Human Services Agency (HHS) will develop their own policy on taking the dependent wards at the Polinsky Children's Center. HHS will have four beds available for these types of runaway minors.

Also refer to W&I 206 (Separate Facilities for Dependent Children and Delinquents) and W&I 207 (Detention of Minors Taken into Custody for Refusal to Obey Parents, Habitual Truancy, and Similar Matters).

4. When a runaway juvenile has been located, Dispatch must be notified to remove the person from the NCIC database. A 'Located Runaway' report must be completed and entered into RMS. The runaway juvenile will be transported to the police facility or transported home.

A 'Runaway Juvenile' report is still required if the juvenile is located, or returns home, prior to the call being dispatched or prior to the officer completing the call. Dispatch must be notified of the juvenile's return so the CLETS/NCIC entry can be cleared. Dispatch will validate the clearance through NCIC records.

5. Runaway juveniles should be checked for local warrants. Dispatch should contact Juvenile Hall to determine if the minor is on the "Hot Sheet," an informal pre-warrant list prepared by probation officers and which serves as notification that Juvenile Hall will accept custody of the minor.

C. Curfew

Enforcement action for curfew violations may include both warnings and citations. Officers will use appropriate discretion based upon the individual situation when taking action.

Applicable Municipal Code Sections:

1. Section 17-54, Curfew hours for minors: Definitions.

a. Definitions. In this section:

(1) “Curfew hours” means:

(a) 10:00 p.m. until 5:00 a.m. of the following day.

(2) “Minor” means any person under 18 years of age.

(3) “Guardian” means:

(a) A person who, under court order, is the guardian of the person of a minor;

(b) A public or private agency with whom a minor has been placed by a court.

(4) “Parent” means a person who is:

(a) A natural parent, adoptive, or step parent of another person;
or

(b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(5) “Responsible adult” means any adult person of at least 21 years of age, having the responsibility for the care, custody and control of the subject minor.

(6) “Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, dedicated open or trail space or any privately-owned land that is unsupervised and is open and generally available to the public, including, but not limited to, vacant lots, parking lots and common areas of schools, hospitals, apartment houses, housing complexes, shopping centers and malls, and transport facilities.

(7) “Remain” means to:

(a) Linger or stay, to tarry; or

(b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or any other person in control of the premises.

2. Section 17-55; Offenses, Defenses

a. Offenses. It is unlawful for:

- (1) A minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (2) A parent or guardian or a minor or responsible adult to knowingly permit, or by insufficient control allow, the minor to remain in any public place within the city during curfew hours.

b. Defenses.

- (1) It is a defense to prosecute under subsection (a) of this section that the minor was:
 - (a) Accompanied by the minor's parent or guardian;
 - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (c) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (d) Involved in an emergency;
 - (e) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, if the neighbor did not complain to the Police Department about the minor's presence;
 - (f) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Escondido, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Escondido, a civic organization, or other similar entity that takes responsibility for the minor;
 - (g) Engaged in a bonafide exercise of the minor's First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of lawful assembly.

3. When enforcement action is necessary, juveniles will be notified of the violation (E.M.C. 17-54). The juvenile will be issued a citation and a curfew report will be entered and completed in RMS.
4. Officers also have the discretion of having the parent or guardian respond to the scene for pickup, transporting the juvenile home, or taking the juvenile to the Police Department where arrangements can be made for the parent to respond. If appropriate, officers may direct the juvenile to proceed home immediately. (Officers should use discretion, i.e., age, circumstances, location of contact, etc., when releasing the juvenile in the field.)

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 04-20-22	NO: 5.5 LEGAL
TO: ALL PERSONNEL	SUBJECT: DOMESTIC VIOLENCE RESTRAINING ORDERS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 5.5 Legal, August 12, 2021.

I. PURPOSE

The purpose of this instruction is to establish the policy and procedures for service, enforcement, and documentation of domestic violence related restraining orders and department policy and procedure regarding the issuance of domestic violence emergency protective orders (EPOs).

II. DEFINITIONS

The following definitions are relative to this Department Instruction.

- A. A Temporary Restraining Order (TRO) is ordinarily an ex parte court order signed by a judge which refrains a specific person from doing particular acts for a certain period of time. A TRO is generally served at the same time as the notice of Order to Show Cause (OCS) hearing. TROs usually last between 20 and 25 days, until the court hearing date. TROs are only valid and enforceable after the person named in the order has been served.
- B. An OCS, also known as a notice of hearing, is a court order to the person named in a TRO commanding him or her to appear in court and provide any reasons; i.e., “show cause” why the restraining order being sought should not be granted.
- C. A Permanent Restraining Order is generally granted during or after the TRO hearing. It is a court order signed by a judge requiring a person to refrain from particular acts. Such orders usually last up to five years.
- D. A Criminal Protective Order (CPO) is an order made by a criminal court judge to protect victims and witnesses in criminal cases. They are routinely issued in cases involving domestic violence and may be issued prior to the trial or at the time of sentencing as a term of probation. Some CPOs may continue after probation has been terminated. CPOs can be ordered for a period up to ten years.
- E. An Emergency Protective Order (EPO) is a TRO made available to a qualifying victim seven days a week, 24 hours a day. As with a standard TRO, an EPO is only valid and enforceable after the person named in the order has been served, and only until the OCS hearing, typically five to seven days.
- F. All TROs, permanent Restraining Orders, CPOs, and EPOs can be referred to as domestic violence restraining orders.

- G. For additional definitions of terms, laws, and policy relative to this department instruction, refer to Department Instruction 5.7, Domestic Violence.

III. APPLICABLE LAWS AND STATUTES

- A. Penal Code Section 836 (c) (1) requires a peace officer to arrest a person when the peace officer has probable cause to believe that the person has committed an act in violation of a domestic violence restraining order for which the alleged violator has been served notice, whether or not the violation occurred in the presence of the arresting officer.
- B. Penal Code Section 273.6 (a) states that any intentional and knowing violation of a protective order as defined in Section 6218 of the Family Code, or of an order issued pursuant to Section 527.6 or 527.8 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, is a misdemeanor.
- C. Penal Code Section 273.6 (b) states that a violation of subdivision (a) resulting in physical injury is a misdemeanor.

IV. DEPARTMENT POLICY ON ENFORCEMENT OF DOMESTIC VIOLENCE RESTRAINING ORDERS

- A. It is the policy of the Escondido Police Department that when there is probable cause to believe a person has committed an act in violation of a domestic violence restraining order for which the alleged violator has been served notice, whether or not the violation occurred in the presence of the arresting officer, an arrest shall be made.
- B. When summoned to the scene of a domestic violence restraining order violation where the suspect is no longer present, the officer shall conduct an investigation and submit a report. The officer shall make all attempts to establish probable cause of the violation by interviewing the victim, locating and interviewing witnesses, and seizing evidence such as recorded messages, handwritten documents, or photographs.

V. DEPARTMENT POLICY ON SERVICE OF DOMESTIC VIOLENCE RESTRAINING ORDERS

- A. When summoned to assist in the service of a domestic violence restraining order, an officer shall provide all possible assistance to include, whenever possible, serving the respondent.
- B. If the respondent is present at the scene and unserved, the officer shall verbally inform the respondent of the terms of the domestic violence restraining order. If a copy of the order is available, the officer should, when feasible, provide the respondent with a copy.

- C. The officer shall inform Dispatch of the completion of the service and the dispatcher will input the service information into the San Diego Users Network (SUN) computer database.
- D. The officer shall write CAD notes documenting the service.
- E. If the person named in the restraining order refuses to comply after being served and advised of the existence of the court order, the person shall be arrested for a violation of 273.6 (a) P.C.

VI. EMERGENCY PROTECTIVE ORDERS

- A. In accordance with Section 6250 of the California Family Code, an EPO can be issued by a magistrate in either or both of the following circumstances:
 - 1. A person is in immediate and present danger of domestic violence, based on that person's allegation of a recent incident of abuse or threat of abuse by the defendant; or
 - 2. A child is in immediate and present danger of abuse by a family member or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member; or
 - 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 an intent to abduct the child or flee with the child from the jurisdiction, or based on an allegation of a recent 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 based on an allegation of a recent incident of abuse or threat of abuse by the person whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
- B. If one or more of the above listed criteria are met, an officer may seek an EPO. The officer does not need to have permission of or a request from the victim to seek an emergency protective order.
- C. EPOs can be issued orally by telephone or otherwise, 24 hours a day, 7 days a week. During regular court hours contact a judge through the Family Court EPO Hotline at (619) 844-2942. After hours, weekends, and holidays contact the on-duty judge through the duty judge cell phone at (858) 974-2493. This is a direct line and the judge should answer.
- D. If the person named in the EPO is in custody at the time the order is sought and obtained, the officer obtaining the EPO should ensure the subject is served with the order.

- E. The EPO will be valid for five court days. When assisting a victim in obtaining an EPO, the officer should explain that the victim has only five days to seek a TRO.

Domestic Violence Emergency Protective Order Procedures

- 1) Complete Form EPO-001 (rev. 01-14).
- 2) During regular court hours contact a judge through the Family Court EPO Hotline at (619) 844-2942.
- 3) After hours, weekends, and holidays contact the on-duty judge through the duty judge cell phone at (858) 974-2493. This is a direct line and the judge should answer.
- 4) When granted, the EPO is valid for up to five full court days. This could extend to seven days counting weekends and holidays when court is not in session and expires at 5:00 PM on the last specified court day.
- 5) Give copy of EPO to the protected party and the restrained person, if present.
- 6) PC 13710(c) requires the officer to make reasonable effort to serve the restrained party with the EPO.
- 7) The officer is to submit a copy of the EPO with the crime/incident report.
- 8) The reporting officer is to carry a copy of the order while on duty during the shift for possible service on the restrained party.
- 9) Fax or email a copy of the EPO to the Sheriff's Records as soon as possible. The Sheriff's Records fax number is (858) 974-2492 and the Sheriff's Records email address is warrant.records@sdsheriff.org. Contact Sheriff's warrants at (858) 974-2457 to let them know that you faxed the report.
- 10) Notify a Watch Commander prior to EOS if EPO has not been served so that information is passed on to the next shift for service.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 03-31-16	NO: 5.6 LEGAL
TO: ALL PERSONNEL	SUBJECT: FACTUALLY INNOCENT SEALING AND DESTRUCTION OF ARREST RECORDS	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Department Instruction supersedes Department Instruction 5.6 Legal, dated June 15, 2006.

I. PURPOSE

To establish the procedure for processing petitions to seal and destroy arrest records when a person is found to be factually innocent.

II. DEFINITION

According to the Court in People vs. Glimps 92 Cal. App. 3d, 315, 321, a person is factually innocent when the person did not commit a crime. It does not mean a lack of proof of guilty beyond a reasonable doubt or even a preponderance of evidence, nor does the term encompass those situations where a criminal complaint is not issued for technical reasons, such as search and seizure issues. An example of factual innocence is an incorrect identification or when no crime was committed.

III. POLICY

- A. In any case in which a person has been arrested and a criminal complaint has not been filed, the arrestee may petition the Escondido Police Department to destroy all records of the arrest.
- B. In a case where a person is arrested and a criminal complaint has been filed but no conviction occurred, the arrestee may petition the court that dismissed the action for a finding of factual innocence anytime after dismissal. The court of jurisdiction will review the arrest and court records, and make a determination with regard to the factual innocence of the subject.

IV. PROCEDURE FOR ADULT SEALING

- A. Processing a P.C 851.8 Adult Factually Innocent records sealing request when no criminal complaint has been filed in court:
 - 1. The subject must request a P.C. 851.8 petition from the Escondido Police Department, Records Division. When the petitioner returns the completed form to the Front Desk, the petitioner must be in possession of acceptable identification documents. The petitioner will be notified by mail if the petition is granted or denied.

2. The petition and a copy of the related arrest report and investigation follow-up report will be reviewed by the Investigations Division unit sergeant. After the sergeant has made a determination, the criminal division of the appropriate prosecuting agency must be contacted to seek concurrence with the sergeant's determination. Once concurrence is obtained, the sergeant will complete and sign the bottom portion of the petition (Form BCID 8270) and return it to the Records Manager.
 3. When the petition is granted, a copy of the BCID 8270 form will be mailed to the petitioner. The appropriate records will be sealed and held in the Records Manager's office for three (3) years from the date of arrest and then destroyed. The Records Manager will notify, by letter, the Department of Justice, the Sheriff's Records Division, and any other agency which is holding copies of the records that the sealing has taken place. The Records Manager will remove the report from the ARJIS database, Monthly Arrest and Citation Register, ARJIS logs, Capture Booking System, and any other database or log maintained by the Department.
 4. When the petition is denied, the petition form will be filed in the petitioner's arrest case and a letter will be sent to the petitioner. The petitioner may petition the municipal court with jurisdiction if he/she wishes to appeal the Escondido Police Department decision. A finding of "factual innocence" and the order to seal and destroy arrest records shall not be made unless the court finds that no reasonable cause exists to believe that the arrestee committed the offense for which the arrest was made. If this is the case, the burden of proof shifts to the criminal division of the appropriate prosecuting agency and police respondent to show "reasonable cause."
 5. If the petition is not acted upon, after 60 days from the date of receipt, the petition shall be deemed as denied. The Records Manager will send a letter to the petitioner stating that 60 days has expired with no action taken on the petition, and therefore the petition is deemed to be denied per PC 851.8(b).
- B. Processing a P.C. 851.8 Adult Factually Innocent records sealing request when there has been a criminal complaint filed:

The person must request a petition form from any law enforcement agency and file the completed petition with the court of jurisdiction. The court will notify the law enforcement agency and the criminal division of the appropriate prosecuting agency of the hearing.

The prosecuting agency may present an argument contesting the sealing. The court will notify the law enforcement agency of the final decision. If the court decision is to seal the record, the law enforcement agency will comply with the order to seal.

V. PROCEDURE FOR JUVENILE SEALING

- A. Processing a W.I. 781.5 Juvenile Factually Innocent records sealing request when no criminal complaint has been filed in court will be handled in the same manner as a P.C. 851.8 Adult Factually Innocent request. Juveniles may petition the law enforcement agency or probation officer which arrested him/her only if NO accusatory pleadings were filed. Infractions cannot be sealed per W.I. 781.5.
- B. Sealing of a juvenile record under W.I. 781 is requested in the court of the last jurisdiction in which he/she was arrested, and the juvenile court is mandated to notify other agencies and the DOJ of the sealing. A court order without a judge's signature will not be processed and the order will be returned to the court.

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 11-14-23	NO: 5.7 LEGAL
TO: ALL PERSONNEL	SUBJECT: DOMESTIC VIOLENCE	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 5.7, dated December 23, 2020.

I. PURPOSE

The purpose of this Instruction is to establish the policy and procedures regarding officers responding to domestic violence cases in accordance with the provisions of the countywide domestic violence protocol, strangulation protocol, Penal Code, and P.O.S.T. guidelines.

II. DEFINITIONS

The following definitions are relative to this Department Instruction.

- A. Abuse is defined within P.C. 13700(a) as “intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent bodily injury to himself or herself, or another.”
- B. Domestic Violence is defined within P.C. 13700(b) as “abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.”
- C. Strangulation is defined within the San Diego County strangulation protocol as “a form of asphyxia characterized by the intentional closure of blood vessels and/or air passages of the neck as a result of external pressure applied to the neck sufficient to cause disruption of blood flow to or from the brain or disruption of air exchange resulting in a lack of adequate oxygen delivery to the brain.”
- D. Cohabitant is defined within P.C. 13700(b) as “two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include but are not limited to (1) sexual relations between the parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship; and, (6) the length of the relationship.”
- E. Dating Relationship is defined within P.C. 243(e)(10) as “frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.”

- F. Dominant Aggressor is defined within P.C. 13701(b) as the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats of creating fear or physical injury, the history of domestic violence between the persons involved, and whether either person acted in self defense.

III. APPLICABLE LAWS AND STATUTES

- A. Penal Code Section 13730(a) requires the recording of all domestic violence related calls for assistance in the form of a written incident report, minimally including the following facts:
1. A notation of whether the officer(s) who responded to the incident observed any signs the alleged abuser was under the influence of alcohol or a controlled substance.
 2. A notation of whether or not any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.
 3. A notation of whether or not the officer(s) found it necessary to inquire of the victim, alleged abuser, or both whether a firearm or deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon.
- B. Penal Code Section 13701 requires all California law enforcement agencies adopt written policies and standards for officers' responses to domestic violence. These written policies shall:
1. Reflect domestic violence is alleged criminal conduct.
 2. Reflect a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.
 3. Encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed.
 4. Require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order has been violated.
 5. Require officers to make a reasonable effort to identify the dominant aggressor in any domestic violence incident so as to avoid making dual arrests of both the parties involved in the incident.

6. Require officers to include a statement informing the victim that strangulation may cause internal injuries and encourage the victim to seek medical attention (Senate Bill 40).

These written policies shall be available to the public and include the specific standards of information as outlined in P.C. 13701(c).

- C. Penal Code Section 836(b) requires a peace officer called to an alleged incident of domestic violence make a good faith effort to inform the victim of his or her right to a make a citizen's arrest. This information shall include advising the victim how to safely execute the arrest.
- D. Penal Code Section 836(c)(1) requires a peace officer to arrest a person when the peace officer has probable cause to believe that the person has committed an act in violation of a domestic violence restraining order for which the alleged violator has been served notice, whether or not the violation occurred in the presence of the arresting officer.
- E. Penal Code Section 836(c)(3) requires that in the event mutual protective orders have been issued, liability for arrest applies only to those persons believed to have been the dominant aggressor.
- F. Penal Code Section 836(d) allows a peace officer, without a warrant, to arrest a person who commits an assault against another person, if the relationship between the suspect and the victim is one which would allow the assault to be classified as an incident of domestic violence and when both the following circumstances apply:
 1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has, in fact, been committed.
 2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has, in fact, been committed.

IV. SAN DIEGO COUNTY WIDE DOMESTIC VIOLENCE PROTOCOL

- A. It is the policy of the Escondido Police Department to abide by the San Diego County Domestic Violence and Children Exposed to Violence Protocol [also referred to as the San Diego County Domestic Violence Protocol (SDDVP)] which is a "pro arrest" policy, meaning "a philosophical position which prioritizes arrest over misdemeanor citation or notify warrant in every situation where an arrest on probable cause is legally permissible." (Emphasis Added)
- B. The SDDVP states that an arrest shall be made in the event that there is reasonable cause to believe a felony has occurred, absent unusual circumstances. All

suspects arrested will be booked into the County Jail. The D.A. pro arrest policy will be implemented by all officers.” (Emphasis Added)

- C. The SDDVP states, “If an officer has reasonable cause to believe a felony has occurred, an arrest shall be made irrespective of whether the officer believes the offense may ultimately be prosecuted as a misdemeanor.” (Emphasis Added)

V. SAN DIEGO COUNTY STRANGULATION PROTOCOL

The San Diego Countywide Strangulation Protocol (see attachment) was developed in collaboration with the criminal justice, healthcare, and social service staff from organizations throughout San Diego. The Strangulation Protocol was approved by the Chiefs of Police, Sheriff, San Diego District Attorney, and San Diego City Attorney on February 22, 2023.

VI. DEPARTMENT POLICY

- A. When responding to and reporting upon incidents of alleged domestic violence, it is the policy of the Escondido Police Department to abide by all statutes and provisions outlined within the California Penal Code and the SDDVP.
- B. Upon arrival at a domestic violence related incident, the officer’s first duty is to provide for the safety of the victim. Once this has occurred, the officer should carefully and diligently evaluate the offense, including injuries and potential injuries to determine the specific crime that has been committed.
- C. All incidents of reported domestic violence will be thoroughly investigated by the responding officer and recorded in an EPD Crime Report. All domestic violence crime reports shall include the San Diego Countywide Domestic Violence Supplemental, which contains required information to be reported according to the SDDVP.
- D. In all incidents of domestic violence where a visible injury has been sustained, the injuries will be photographed.
- E. In all incidents of a violation of 273.5 P.C., the victim’s injuries will be photographed with a digital camera. All digital photographs shall be uploaded as evidence.
- F. In all incidents of domestic violence, including but not limited to a violation of 273.5 P.C., where the injuries are not visible, the investigating officer will specifically and with detail articulate the nature of the victim’s injury.
- G. For the purpose of charging the dominant aggressor with 273.5 P.C., visible injury may not be necessary if the victim complains of possible internal injury. When non-visible injuries are reported, officers should document the victim’s statements regarding injuries and any physical symptoms (e.g., “doubled over and

holding stomach,” or “unable to turn head,” dizziness, double vision, shortness of breath).

- H. After evaluating injuries and providing first aid, officers should strongly encourage medical evaluations and/or treatment. Officers should document the results of treatment and the medical personnel providing it. Officers should also obtain a signed Medical Release form from the victim.
- I. In the event that the victim declines treatment, his/her statements should be included.
- J. When responding to a report of domestic violence, investigating officers should consider all potential enforcement options. Some of the more common crimes associated with domestic violence include the following:
 - 1. P.C. 236/237 (false imprisonment)
 - 2. P.C. 245(a)(1) or (a)(2) (assault with a deadly weapon)
 - 3. P.C. 262 (spousal rape)
 - 4. P.C. 422 (criminal threats)
 - 5. 243(d) (battery with serious bodily injury)
 - 6. P.C. 243(e)(1) (domestic battery)
 - 7. P.C. 136.1(c) (dissuading a witness by force or threat of force)
 - 8. P.C. 591 (disconnecting a telephone inside the home)
 - 9. P.C. 591.5 (damaging a wireless phone)
 - 10. P.C. 242 (battery [for other family members or witnesses])
 - 11. P.C. 594 (vandalism)
 - 12. P.C. 653m (annoying/harassing/threatening phone calls)
 - 13. P.C. 273.6 (violation of restraining order)
 - 14. P.C. 646.9 (stalking)
 - 15. P.C. 245(a)(4) (assault by any means of force likely to produce GBI)

This list is by no means all inclusive but is merely meant as a guide of possible offenses in cases involving domestic violence.

- K. Officers shall not ask the victims if they wish to “press” charges, “drop” charges, or prosecute. The decision to prosecute is made by the district attorney. The victim and the suspect should be advised that they have no control over the decision to prosecute. Officers may instead ask the victim if he/she is willing to cooperate with the court proceedings.
- L. When responding to and reporting upon incidents of alleged domestic violence strangulation, it is the policy of the Escondido Police Department to abide by the San Diego Countywide Strangulation Protocol.
- M. Instances involving acute trauma or suspected traumatic injury related to strangulation, may require a forensic medical examination. A domestic violence strangulation exam requires the following criteria are met:

1. The victim is 14 years of age or older
2. The injury to the victim is a result of strangulation
3. The injury has occurred within the last five days

Authorization for a domestic violence strangulation exam must be approved by the FPU supervisor or their designee.

VII. VICTIM ASSISTANCE

In addition to their enforcement duties, officers have the following responsibilities:

- A. Assist in obtaining appropriate medical attention if a victim claims injury, whether visible or not.
- B. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses concern for safety or the officer determines a need exists.
- C. Stand by for a reasonable amount of time when a victim requests police assistance while removing essential items of personal property.
- D. Explain legal options available to the victim, including emergency protective orders, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
- E. Advise the victim of available community resources and the State Victim Assistance Program, to include the immediate counseling services available through the Center for Community Solutions Domestic Violence Response Team.
- F. All domestic violence reports will contain written documentation of the investigating officer's actions regarding assistance provided to the victim; i.e., counseling services, transportation assistance, referral for future assistance, etc.

VIII. CONFISCATION OF WEAPONS

- A. Officers at the scene of a domestic violence incident involving a threat to human life or physical assault may take temporary custody of any firearm for the protection of all persons present, pursuant to 18250(a) P.C.
- B. The officer shall provide a Receipt and Notice of Rights for Confiscated Firearms/Other Deadly Weapons (ESPD Form #254) to the owner of the weapons or the person from whom it was seized. This form contains the instructions for the owner to retrieve the confiscated items.

IX. DOMESTIC VIOLENCE INFORMATION SHEET

Penal Code section 13701 requires officers provide the victims of domestic violence written information concerning telephone numbers to call to find shelter, other community services, and information about civil and criminal complaints and court orders for relief. All of this information is supplied in the Domestic Violence Information Sheet (ESPD Form #56), along with information regarding restraining orders, victim assistance programs and case follow-up. This pamphlet shall be provided to the victims by the responding officer at the time of the call.

X. DOMESTIC VIOLENCE SUPPLEMENTAL FORM

- A. The San Diego Countywide Domestic Violence Supplemental Form was created in accordance with the San Diego County Domestic Violence and Children Exposed to Domestic Violence Law Enforcement Protocol. This form contains required reporting information, as well as other relevant information related to the incident being documented.
- B. The San Diego Countywide Domestic Violence Supplemental Form shall be included in all domestic violence reports, along with any other relevant crime or arrest report forms.
- C. It is noted that within the San Diego Countywide Domestic Violence Supplemental Form, there is a single question related to “Strangulation.” If the answer to this question is “yes,” the officer shall complete the San Diego Countywide Strangulation Documentation Form in order to document additional signs and symptoms of the strangulation.

XI. SAN DIEGO COUNTYWIDE STRANGULATION DOCUMENTATION FORM

- A. The San Diego Countywide Domestic Violence Supplemental Form was developed and approved in collaboration with criminal justice, healthcare, and social service staff from organizations throughout San Diego County.
- B. The San Diego Countywide Strangulation Documentation Form shall be included in all domestic violence strangulation reports, along with any other relevant crime or arrest report forms.

**DOMESTIC VIOLENCE
AND CHILDREN EXPOSED TO
DOMESTIC VIOLENCE
LAW ENFORCEMENT
PROTOCOL**

SAN DIEGO COUNTY

2023 UPDATE

INTRODUCTION

The California State Legislature has declared that:

- (1) “[S]pousal abusers present a clear and present danger to the mental and physical well-being of the citizens of the State of California” (PC 273.8).
- (2) “A substantial body of research demonstrates a strong connection between domestic violence and child abuse” [PC 13732(a)].

San Diego County Law Enforcement’s response to domestic violence and children exposed to such violence will be a focused, coordinated community approach that emphasizes early intervention.

This protocol is a guideline and is not intended to address every situation or every potential issue, nor is it intended to substitute for individual officer discretion or individual departmental policies that are consistent with state law and may differ from those outlined in this document. The protocol is intended to promote victim safety, to protect children exposed to domestic violence and others who may be impacted by domestic violence, and to ensure abuser accountability.

BACKGROUND

In August 1990, the San Diego Police Chiefs’ and Sheriff’s Association voted unanimously to endorse the first San Diego Law Enforcement Protocol. The protocol was prepared in consultation with and in cooperation with domestic violence agencies across the county [PC 13701(b)]. In 1998, the Law Enforcement Committee of the San Diego Domestic Violence Council updated the protocol. Seventy-five agencies countywide were part of the process. In 2008, the protocol was updated to reflect changes in the law and to specifically address topics such as removal of firearms from batterers’ hands, as well as the protection of children exposed to domestic violence. In 2015, a multi-agency committee of representatives from domestic violence agencies, criminal justice departments, child welfare, and military branches reviewed the protocol to include updates in law, available resources, and included a new section on high-risk cases. In 2017, the first San Diego Countywide Strangulation Documentation form was approved by the Chiefs of Police, Sheriff, District Attorney, and San Diego City Attorney. This form and an updated version of the DV Supplemental form were included in the 2019 update of this protocol. Furthermore, a section on response to fragile elder suspects was added. In 2019, information on Gun Violence Restraining Orders was updated [PC 18120-18148]. Definitions of the Gun Violence Restraining Orders (GVROs) were included as well as updated removal of firearms procedures. In 2023, more detailed information was added on using consensual searches to remove deadly weapons from the scene of DV crimes and obtaining emergency GVROs. A new section on the intersection between animal cruelty and domestic violence was also added.

POLICY STATEMENT

- All law enforcement agencies will respond to acts of domestic violence as a crime.
- Victims of domestic violence will be treated with respect and dignity and will be given appropriate assistance by law enforcement personnel responding to an incident of domestic violence, regardless of their sexual orientation, gender, gender identity, age, race, ethnicity, mental health status, disability, criminal history, or immigration status.
- The decision to prosecute a batterer lies within the discretion of the District Attorney and the City Attorney. Victims do not “press charges,” “drop charges” or “prosecute” their batterers.
- Law enforcement shall arrest a domestic violence offender if there is probable cause that an offense has been committed.
- Law enforcement should make efforts to contact the domestic violence offender at the crime scene; if the offender has fled, responding officers should attempt to make and document efforts to locate the offender.
- At the scene of domestic violence incidents involving a threat to human life or a physical assault, law enforcement should request consent to search for firearms if they or the victim believe the suspect has access to firearms and remove firearms whenever lawful.
- If the court notifies law enforcement that a restrained party has not provided evidence of firearms relinquishment, law enforcement shall take all actions necessary to obtain the firearms and ammunition in accordance with the law enforcement agency’s policies and procedures (Family Code 6306(f)) (SB 320 effective 1/1/2022).
- When reasonably possible, prosecutors should notify the court when domestic violence defendants have registered firearms.
- Children exposed to domestic violence should be considered as separate victims in domestic violence incidents; responding patrol officers are mandated reporters and are required to report suspected child abuse, neglect, and/or exploitation to Child Welfare Services (CWS) in accordance with PC 11166-11174.3. A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known [PC 11167(a)].
- Training will be provided regularly to enhance law enforcement’s response to domestic violence and children exposed to domestic violence.
- Leaving the relationship is not always the answer for every victim. Domestic violence is complex. Sworn personnel can help support and empower victims.

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SECTION 1

IMPORTANT DEFINITIONS

ABUSE means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another [PC 13700(a)].

ABUSE + RELATIONSHIP = “DOMESTIC VIOLENCE-RELATED INCIDENT”

Any crime can be considered a “domestic violence-related crime,” as long as the victim meets the relationship definition in PC 13700. For instance, if a boyfriend vandalizes his girlfriend’s car, this would be considered a “domestic violence-related” incident and recorded as such in law enforcement agency record management systems.

COHABITANT means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship [PC 13700(b)].

COURT ORDERS: “Restraining Orders”: This term is widely misapplied to cover a broad range of court orders that either entirely prohibit or otherwise limit the type of contact that the restrained person may have with the protected person. The following is a summary of the various kinds of orders that may be present or requested in domestic violence cases. They can be based on numerous legal statutes and authorizations. The most common are:

- (1) **Emergency Protective Orders (EPO):** These are court orders that prohibit contact from someone with whom the Protected Person has a close relationship. EPOs also prohibit restrained people from possessing firearms. An EPO is a type of restraining order that only law enforcement can request by calling a judge. Judges are available to issue EPOs 24 hours a day. They are valid for five court days or seven calendar days.
- (2) **Criminal Protective Orders (CPO):** A CPO is an order made by a criminal court judge to protect victims and witnesses in criminal cases. CPOs also prohibit restrained people from possessing firearms. They are routinely issued in cases involving domestic violence and may be issued prior to the trial or at the time of sentencing as a term of probation. Some CPOs may continue after probation has been terminated. CPOs can be ordered for a period up to ten years.

There are two general types of CPOs:

- a. **"Full" CPO:** Full CPOs require a restrained person to stay away from and have no direct or indirect contact with a protected person. Full CPOs also

prohibit restrained people from possessing firearms. These are also called “No Contact” orders.

- b. **"No Negative Contact" Order:** No Negative Contact CPOs permit contact between a restrained person and the protected person, but only if that contact is peaceful in every way. No Negative Contact CPOs prohibit restrained people from possessing firearms. Specific conduct usually prohibited includes harassing, striking, threatening, assaulting (sexually or otherwise), following, stalking, molesting, destroying or damaging personal or real property, disturbing the peace, keep under surveillance, or blocking movements of the protected person.

Only a judge can modify the terms of a CPO regardless of the wishes of the Protected Person.

- (3) **Gun Violence Restraining Order:** These are court orders prohibiting a person from having custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition while the order is in effect. The court shall order the restrained person to surrender all firearms and ammunition immediately in a safe manner upon request of any law enforcement officer. If no request is made by a law enforcement officer, the surrender shall occur within 24 hours of being served with the order. [PC 18120]
 - a. **Temporary Emergency Gun Violence Restraining Order:** A temporary emergency gun violence restraining order may be issued on an ex parte basis only if a law enforcement officer asserts, and a judicial officer finds, that there is reasonable cause to believe the subject poses immediate and present danger of causing injury and less restrictive alternatives are determined to be inadequate or inappropriate for the circumstances. A temporary emergency gun violence restraining order can be obtained by officers through the court telephonically by completing the EPO-002 form. The order can last up to 21 days [PC 18125-18148].
 - b. **Temporary Ex Parte Gun Violence Restraining Order:** A temporary ex parte order may be issued on an ex parte basis if an immediate family member or law enforcement officer asserts through a civil court petition and a judicial officer finds, that there is a substantial likelihood that the subject poses a significant danger in the near future of causing injury. A temporary ex parte gun violence restraining order can be obtained in-person at the court of jurisdiction with the GV-110 form. The order can last up to 21 days [PC 18150-18165].
 - c. **Permanent Gun Violence Restraining Order:** A permanent gun violence restraining order may be obtained after notice and hearing of a temporary emergency or ex parte order, if a judicial officer finds there is clear and convincing evidence that the respondent poses a significant danger of causing injury. The order can last from one to five years [PC 18170-18197].

(4) **Civil Domestic Violence Restraining Orders:** These are issued by a Family Court Judge regardless of whether a criminal case is filed.

- a. **Temporary Restraining Order (TRO):** When victims file applications for a domestic violence restraining order, they explain why a restraining order is needed. If the judge determines they need protection, the judge will grant them a temporary restraining order. TROs prohibit restrained people from possessing firearms. Temporary restraining orders usually last between 20 and 25 days, until the court hearing date.

Refer to your department's Victim Resource Guide or the DV Regional Resource Guide that includes the Superior Court website for locations providing TRO application assistance to victims. (See ADDENDUM K).

- b. **"Permanent" Restraining Order/Order After Hearing (ROAH):** A Family Court Judge may issue a permanent restraining order after the scheduled hearing. Permanent Restraining Orders/ROAHs prohibit restrained people from possessing firearms. These orders are typically valid 1 to 5 years.

(5) **Dependency/Juvenile Court Orders:** These orders are issued by the Juvenile Court and regulate the interaction of parent(s), guardian(s), and children involved in a dependency or juvenile court case.

(6) **Civil Harassment Restraining Orders:** These are issued by a civil judge, they can be used for neighbors, roommates, coworkers, or more distant family members like cousins, uncle or aunt, etc.

(7) **Tribal Court Orders:** These are issued by a tribal court judge and are effective off and on an Indian reservation.

EPOs supersede all other court orders.

[Family Code sections 2040, 6200, 6241, 7700, and PC 136.2.] See Section 8.

SEE ADDENDUM –A A COURT ORDER CHART for further details and charge sections.

DATING RELATIONSHIP means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations [PC 243(f)(10), FC 6210]. Casual, one-time dates or first-time encounters would *not* be considered "dating," and therefore not "domestic violence."

DOMESTIC VIOLENCE means abuse committed against an adult or a minor who is a spouse, former spouse, adult cohabitant, former adult cohabitant, or person with whom the suspect has had a child or is having or has had dating or engagement relationship [PC 13700 (b)].

DOMINANT AGGRESSOR is the person who is the most significant, rather than the first, aggressor. Determining the dominant aggressor is discussed in Section 3.

DUAL ARREST is the arrest of both parties during a domestic violence incident. Dual arrests are discouraged and discussed in Section 3.

STALKING is any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety or the safety of his or her immediate family [PC 646.9(a)]. Recognizing the domestic violence stalking case is discussed in Section 6.

SECTION 2

911 OPERATOR/DISPATCHER RESPONSE

- I. Officers should be dispatched to the scene of a domestic violence call for service. Telephone reports are generally prohibited.
- II. When speaking to a victim of domestic violence, public safety dispatcher(s) will not ask about the victim's desire to "press charges," "drop charges," or "prosecute." Any comment or statement which seeks to place the responsibility for enforcement actions with the victim is inappropriate. Dispatchers should remain neutral and avoid "taking sides".
- III. Regardless of whether the threat is immediate or remote, the safety of domestic violence victims, is the primary concern. To aid in the victim's safety, public safety dispatchers should advise victims to take prudent actions to ensure their safety including, but not limited to, waiting for officers at another location or simply leaving the residence.
- IV. During the initial call for assistance, in addition to the basic information necessary for law enforcement response, public safety dispatchers should consider obtaining and documenting the following (not necessarily in this order):
 - Identity of the victim and suspect
 - If suspect is still at the location, where specifically are they (e.g., attic, backyard, bedroom, shed, garage, car in driveway, etc.) and they are doing at the time of the call
 - Is the suspect aware that law enforcement has been called
 - If the suspect is no longer present, is their location known or where may they likely be
 - Describe the suspect's actions (pushed, hit, "choked" or strangled, punched, threw items, pulled hair, violence towards pets, etc.)
 - The nature of the injuries to the victim caused by the suspect (bruising, cuts scrapes, scratches, bleeding, etc.)

- The nature of the relationship between the victim and the suspect (married, divorced, current or formerly dating, have children together, etc.)
 - Any history of violence against the victim by the suspect, whether previously reported or unreported
 - Any current or previous stay away orders issued by the court
 - Any minor children present
 - Any persons that witnessed the actions of the suspect
 - Are firearms or other weapons involved? If yes, what kind? Where are they located? Have you been threatened by the weapon today or in the past? How was the weapon used? Does the suspect have access to any weapons (not used in incident)?
- V. Calls reporting threatened, imminent, or ongoing domestic violence and the violation of any protection order, including orders pursuant to Section 136.2, and restraining orders, shall be ranked among the highest priority calls pursuant to Penal Code Section 13702.
- VI. When feasible, dispatchers should check to see if either party owns firearms.

DISPATCHER PRACTICE TIP: RESTRAINING ORDERS

Only a court can change the status of a restraining order. The victim's wishes, desires, or behaviors cannot [PC 13710(b)]. This means that a restrained party is still in violation of a restraining order even if the contact was invited by the protected party.

SECTION 3

FIRST RESPONDER DUTIES

I. DUTIES

- A. **General Pro-Arrest Policy:** A pro-arrest policy will be implemented by all departments if there is probable cause that a domestic violence offense has been committed [PC 13701(b)].
- B. **Felony Arrests:** If a peace officer has probable cause to believe that a DV felony has occurred, an arrest **shall** be made, absent unusual circumstances.
- C. **Misdemeanor Arrests in Peace Officer's Presence:** If there is probable cause to believe that a DV misdemeanor offense has been committed in the officer's presence an arrest **shall** be made.
- D. **Misdemeanor DV Committed Outside a Peace Officer's Presence:** If a person commits an assault or battery upon his or her spouse, former spouse, cohabitant, former cohabitant, current or former dating or engagement relationship or upon the

parent of his or her child, a peace officer **may** arrest the person without a warrant where **both** of the following circumstances apply:

1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed [PC 836(d)].

E. Misdemeanor DV crimes are not exempt from stale misdemeanor rules.

A peace officer may make a warrantless arrest of a late reported domestic violence incident when there is probable cause as listed in PC 836(d). The arrest must be made immediately upon law enforcement's discovery of probable cause.

Stale misdemeanor case law focuses on the actions of the peace officer that lead to a delay in arrest. If circumstances caused by law enforcement led to any delays of immediately locating suspect and making an arrest, consider obtaining an arrest warrant.

**MANDATORY ARREST: VIOLATIONS OF VALID DOMESTIC VIOLENCE
RESTRAINING ORDERS/PROTECTIVE ORDERS:**

When responding to a call alleging a violation of a domestic violence court order and probable cause exists, law enforcement **shall arrest**, even without a warrant and **whether or not the violation occurred in the officer's presence** [PC 836(c)(1)]. See Section 8.

F. Cite and Release Discouraged in Domestic Violence Cases: Citing and releasing a domestic violence suspect is discouraged because of our county's protocol that domestic violence is a criminal violation that should be treated as a safety issue for victims and for the community.

G. Citizen's Arrest: Any time a peace officer is called out on a domestic violence call, the peace officer shall make a good faith effort to inform the victim of their right to make a citizen's arrest unless the peace officer makes an arrest for PC 243(e)(1) or 273.5. This information shall include advising the victim how to safely execute the arrest [PC 836(b)]. If a peace officer makes an arrest for a violation of PC 243(e)(1), the peace officer is not required to inform the victim of their right to make a citizen's arrest [PC 243(e)(5)].

H. Dual Arrests Discouraged: Dual arrests are discouraged but are not prohibited per PC 13701. It is the duty of law enforcement personnel to identify and arrest only the dominant aggressor. It is the purpose of this county-wide protocol to encourage all agencies to adhere to the intent of this mandate and refrain from making dual/mutual arrests. Dual arrests should be the extreme exception and should only be utilized as a last resort when all other investigative efforts fail.

- I. **Determining the Dominant (as opposed to Primary) Aggressor:** Per PC 13701, the officer shall make a reasonable effort to identify the dominant aggressor in any incident and use the “dominant” terminology in reporting. (The dominant aggressor is different from the primary aggressor; using the term “primary” may imply the first aggressor.) The dominant aggressor is the person determined to be the most significant, rather than the first aggressor. In determining whether a person is the dominant aggressor, the officer shall consider the following:
1. The intent of the law to protect DV victims.
 2. Any threats - real or implied - which instill fear of physical violence by one partner toward another.
 3. Any history of violence between the partners.
 4. Any history of controlling behavior or coercion.
 5. If either partner acted in self-defense.

Other factors law enforcement personnel should consider:

1. Height/weight of the parties.
2. Criminal history.
3. Level of violence.
4. Presence of fear.
5. Existing court orders.
6. Corroborating witnesses.
7. Demeanor of parties.
8. Use of alcohol/drugs.
9. Offensive/defensive injuries (are the injuries consistent with explanation?).
10. Who was the 911 reporting party?

- J. **PC 13730(c) Domestic Violence Incident Reports:** Domestic violence related incidents that do not rise to the level of a crime report shall be documented in a Domestic Violence Incident report pursuant to Penal Code section 13730(c).

II. WHAT TO DO AT THE DOMESTIC VIOLENCE SCENE

ARRIVAL AT SCENE

1. Determine location and condition of victim(s), including children.
2. Determine if suspect is still at scene. Law enforcement should make efforts to contact the domestic violence offender at the crime scene; if the offender has fled, responding officers should attempt to make and document efforts to locate the offender.
3. Determine if any weapon is involved.
4. Summon ambulance if injuries require.
5. Separate the victim, suspect and witnesses.
6. Prevent communication between the parties. This includes removing victim and witnesses from suspect’s line of sight and range of hearing. Re-ask about weapons once the parties are separated.
7. Determine what, if any, crime has occurred.
8. If a sexual assault is reported, follow the procedures set forth in Section 5.

9. If children are present, follow the procedures set forth in Section 7, and cross report to Child Welfare Services.
10. Screen for Human Trafficking (See example questions in ADDENDUM D)

B. INTERVIEW ALL PARTIES

Interview victim(s) and witnesses separately, including any children who may have witnessed or heard the incident or any prior incidents. **Do not ask the victim if they wish to press charges or prosecute.** The decision to prosecute is made by the District Attorney or the City Attorney. The victim and suspect should be advised they have no control over the decision to prosecute. Whenever possible, family members should not be used as interpreters, particularly children (see Section 7 C).

For victims, suspects, and witnesses with limited English-speaking abilities, only perform interpretation if you are proficient in their language. If you are not, utilize your agency's language line services for interpretation into their language and/or ASL, by phone, internet, or video. Vital documents, forms and resources should be made available in common languages as well.

1. **VICTIM:** Note and document the following:
 - a. The victim's physical condition, including:
 - (1) Any injuries - describe in detail, photograph and determine if medical treatment is necessary and seek appropriate care.
 - (2) Ask victim if they were strangled or "choked" by suspect and, if so, have the victim evaluated by medical personnel [PC 273.5] **and** complete the San Diego Countywide Strangulation Documentation Form – ADDENDUM I. Palomar Health - Forensic Health Services may be contacted 24/7 at (888) 211-6347 to consult on or arrange for a medical evidentiary exam¹ for related strangulation and/or other reported injuries. For minors (under 18 years of age), the child abuse pediatrician at Rady Children's Hospital should be contacted by calling 858-966-8951.

Signs and symptoms of strangulation/choking may include:

 - (a). redness/bruising/scratches to neck
 - (b). raspy voice
 - (c). soreness of neck
 - (d). incontinence (urine or bowel)
 - (e). petechiae (red dots) anywhere on the face, or in the eye
 - (f). difficulty swallowing
 - (g). difficulty breathing
 - (h). coughing/vomiting
 - (i). ability to recall history (nonlinear, spotty memory)
 - (3) Torn clothing
 - (4) Smeared makeup

¹ The term "medical evidentiary exam" is used throughout this protocol in lieu of "forensic medical exam" to conform with recent legislation.

- b. The victim's emotional state, demeanor
- c. Any evidence of substance/chemical use by victim
- d. Determine victim's relationship to suspect (please note that if the victim is a minor, that Family Code 6930 defines intimate partner violence). For child physical abuse, contact the child abuse pediatrician at Rady Children's Hospital/Chadwick Center at 858-966-8951 or 858-576-1700.
- e. Record any spontaneous statements of the victim, (when possible).
- f. Obtain emergency contacts, telephone numbers including personal cell, home and work numbers, work and home addresses, and email addresses for the victim and defendant. If victim is homeless, or without a stable permanent address, obtain a number for a close relative or friend. Inquire if the victim's phone number is safe to leave a voicemail.
- g. Note any statements made by suspect to victim during incident.
- h. **Ask victim(s) if they want to be notified when the suspect is released from jail.** (The Deputy/Officer can then make this request to the jail staff on behalf of the victim at the time of booking.) The victim can also register a phone number and/or an email address in the VINE (Victim Information and Notification Everyday) Program by calling VINE Toll-Free at 877-411-5588 or by going to the VINE website at www.vinelink.com.
- i. Ensure victim responses to all lethality risk assessment questions, such as past abuse, strangulation, and firearms access, are recorded in the DV Supplemental.
- j. Note any prior history of abuse. Document these incidents in detail (Evidence Code section 1109).
- k. Have victim sign medical release form.

2. WITNESSES:

- a. Interview all witnesses separately and record names, addresses, email addresses, phone numbers and emergency contacts.
- b. List the names and ages of children present.
- c. Interview all children pursuant to this protocol. (See section 7.) Document demeanor of child and location during incident.
- d. Record names and addresses of emergency personnel.
- e. Interview neighbors (ear-witnesses).
- f. Determine from witnesses if they are aware of a history of abuse (Evidence Code section 1109) or if they are aware of any illicit drug use, prescription drug and alcohol use.

3. SUSPECT:

- a. Describe suspect's location on arrival.
- b. Describe suspect's physical condition.
- c. Describe suspect's emotional state.
- d. Document evidence of illicit drug use, prescription drug and alcohol use by the suspect, conduct examination, obtain blood/fluid sample, and add charge if appropriate.
- e. Inquire about mental health history, diagnoses, and medications.
- f. Record spontaneous statements.

- g. Document, describe **and photograph** any injuries or the lack of injuries (when possible).
- h. Inform suspect that abuse is a crime and obtain a Miranda waiver.
- i. Interview suspect.
- j. Obtain emergency contact telephone numbers including personal cell, home and work numbers, work and home addresses, and email addresses.
- k. Consider requesting a bail enhancement in situations where the amount listed in the bail schedule is insufficient to ensure the victim's safety.

4. EVIDENCE

- a. Describe the crime scene. Note signs indicating struggle such as overturned furniture, hair that has been pulled out, blood, broken fingernails, holes in walls, damaged telephones, etc.
- b. Photograph crime scene if applicable.
- c. **Determine if firearms or other deadly weapons are present and seize pursuant to PC 18250.**
- d. Ensure that victim's and suspect's injuries are photographed clearly.
- e. Impound and photograph all weapons and other evidence including all instrumentalities of the crime (i.e., belts, phone cords, hangers, gas cans, lighters, broken lamps, etc.).
- f. When using digital cameras, follow established departmental guidelines as well as the District Attorney's and City Attorney's Office guidelines for the storage and transfer of digital images. For departments that are using body worn cameras (BWC), follow your departments guidelines for appropriate use of the device.
- g. When possible, collect surveillance video footage or submit a request to preserve it.
- h. When possible, submit photos of evidence from BWC footage and facilitate, citizen/witness uploads to evidence.com.
- i. If incident occurred on an Indian reservation, collect Tribal law enforcement statement and request written report be sent for case file following the incident.

5. MEDICAL TREATMENT

If medical treatment is necessary:

- a. Contact EMS for transport, per your department's policies for transport or have victim and/or defendant transported to hospital.
- b. Obtain names, addresses and telephone numbers of ambulance or paramedic personnel treating the victim and/or the defendant.
- c. Before they are transported to the hospital, when reasonably practical, photograph the victim's and defendant's injuries (or lack of injuries) as well as the person. Note that this does not substitute for a full DAFE performed by a trained medical examiner.
- d. Obtain signed medical release.
- e. Obtain copy of medical treatment form including doctor's name, address and telephone number.

- f. Interview treating physician and confirm nature and severity of injuries. When needed, inquire whether a CT scan was conducted and educate healthcare providers about the dangers of strangulation (reference: <https://www.sdcda.org/helping/SD-County-Health-CARES.html>).
- g. Minors aged 12 to 17, who are involved in teen dating violence, are able to consent to a medical evidentiary exam without parental consent [Family Code 6930].
- h. Offer victim a medical evidentiary exam such as a Domestic Abuse Forensic Exam (DAFE), through Palomar Health - Forensic Health Services at (888) 211-6347. DAFE exams can be offered for both strangulation concerns and/or other physical injuries without concern of strangulation.
- i. Document whether victim made statements to treating personnel regarding injury, incident or prior abuse.
- j. Remind healthcare staff that they have a duty to submit in writing the 2-290 suspicious injury report to law enforcement.
- k. If use of substances (i.e., alcohol or drugs) by the suspect is believed to have occurred and the suspect is transported to the hospital, request that any blood samples taken by the hospital be preserved (otherwise they may dispose of the sample after two days). Obtain a search warrant to legally obtain any samples taken pursuant to applicable law and follow department policy.

6. DUTY TO ADVISE: VICTIMS RIGHTS AND SAFETY

- a. Provide referrals to community resources and relevant phone numbers (See ADDENDUM K – DV RESOURCE GUIDE for example). Review the content of the handout with the victim. Officers may advise both parties in a verbal-only disturbance (no crime) about available resources. Referrals should be made on scene and a copy of the resource sheet provided. There are many services available throughout the County for confidential domestic violence shelters and transitional housing, case management, civil legal services, court preparation and assistance with applying for a TRO, case management, safety planning, psychological services, employment assistance, etc.
- b. Advise victim of Marsy's law pursuant to policy.
- c. Explain the options available to the victim including the private person's arrest process, EPO, temporary restraining orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
- d. Advise that risks can extend beyond the victim to their children and other family members, new partners, friends, and others involved in their life. It's important that officers discuss their situation and advise these individuals to develop safety plans as well.

LEGALLY REMOVE ALL FIREARMS FROM DV SCENES AND FROM THOSE PARTIES SUBJECT TO A DV RESTRAINING ORDER [PC 18250, FC 6275].

Law enforcement shall request consent to search for firearms if they believe the suspect has access to them and must seize all firearms found or other deadly weapons pursuant to PC 18250. If serving a restraining order, law enforcement must request immediate relinquishment of firearms. This can be the most important step to preventing future violence.

**COMPLETE THE COUNTY APPROVED
“2023 DOMESTIC VIOLENCE SUPPLEMENTAL” 2-PAGE FORM.**

Law enforcement shall complete this form and attach it to each domestic violence crime report. This form is extremely helpful to prosecutors, assists them in making issuing decisions, and can serve as useful evidence in trial. See ADDENDUM – H for DV Supplemental form.

7. TEEN RELATIONSHIP VIOLENCE

a. JURISDICTION

Domestic violence offenses such as PC 273.5 and 243(e) apply equally to juvenile offenders. When a juvenile commits any crime within the state, the Juvenile Court has jurisdiction over the minor and the District Attorney’s Office is responsible for the prosecution of those cases.

b. POLICE RESPONSE

Investigation To ensure proper handling by Juvenile Court professionals, it is important for law enforcement officers to determine and document the relationship between the parties in their report.

Arrest While pro-arrest policies equally apply to teen relationship violence cases, it should be noted that when a juvenile is arrested, it is the “Risk Screening Criteria” as set forth by San Diego Probation Department that will determine whether a juvenile will be incarcerated in Juvenile Hall. When a juvenile is incarcerated, there is no bail. The juvenile will stay in Juvenile Hall until arraigned or otherwise released by Juvenile Hall.

Juvenile Contact Report Regardless of whether a juvenile offender is detained, and the victim is a minor, officers are encouraged to provide “victim assistance” (as described in this protocol) to the minor victim including an emergency protective order and referral information.

Cross-report to CWS Since the juvenile offender is a minor, a cross-report to CWS is required in accordance with PC 11166-11174.3.

c. PROTECTIVE ORDERS FOR TEENS

As a result of recent changes in the law, a minor 12 years old or older may seek a protective order against an abusive partner without a guardian or

counsel under Civil Code of Procedure section 372. Emergency protective orders shall also be issued for teen victims when applicable.

8. ELDERLY AND DEPENDENT ADULT DV SUSPECTS AND VICTIMS

- a. ELDER: any person 65 years or older [PC 368(g), W&I 15610.27]. Note: Adult Protective Services (APS) elder clients are 60 years or older.
- b. DEPENDENT ADULT: a person, regardless of whether the person lives independently, who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights. Includes but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Includes a person between ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility [PC 368(h), W&I 15610.23]. Note: Adult Protective Services (APS) clients who are dependent adults are 18-59 years or older².
- c. Recognize that elder or dependent adults may have difficulty narrating events, appear to be poor historians, or lack short term memory, which adds to their vulnerability as potential victims.
- d. Get a signed medical release from potential elder victims.
- e. **FRAGILITY**
 - (1) On occasion domestic violence offenders and victims may be extremely fragile (medically or cognitively). In some cases, it may be possible to establish that offenders are not competent, not aware of their actions and/or were previously diagnosed by a doctor as not being competent to make their own decisions (as a result of a diagnosis of dementia or a related disorder of cognitive decline). These individuals may include:
 - a. Offenders who are suffering from significant diminished capacity such as dementia (e.g., Alzheimer's).
 - b. Offenders who present a significant health risk due to the shock of incarceration and/or removal from their normal place of residence as a result of their advanced age or significant medical condition.
 - (2) In addition to investigating/documenting the domestic violence incident as outlined in the remainder of this protocol, some or all of these options may

² Please be aware that due to recent pending California Legislation (AB 695), there are anticipated conflicts in the definitions of ELDER and DEPENDENT ADULT between the California Penal Code and the California Welfare and Institutions Code which could have varying implications. While the Penal Code definitions remain, the Welfare and Institutions Code definitions are changing to expand Adult Protective Services eligibility such that ELDER will be defined as 60 years of age and older and DEPENDENT ADULT will be defined as "...a person between the ages of 18 and 59..."

be applicable based on the individual set of circumstances as alternatives to arrest/booking:

- a. Obtain an Emergency Protection Order (EPO) to ensure family members keep the victim and offender in separate locations.
- b. Evaluate for W&I 5150 and/or medical needs and, if feasible and/or appropriate, commit offender to either a Lanterman-Petris-Short Act (LPS) designated hospital or County Mental Health (CMH) or other medical facility.
- c. Complete an arrest report indicating the offender was either released pursuant to PC 849(b)(1) or taken into custody and released thereafter to a competent third party who will ensure the safety of both the victim and the offender.
- d. Call the Aging Independent Services (AIS) center/hotline at (800-339-4661 for additional resources to keep the victim safe and separated from the offender if the offender cannot be incarcerated/booked or hospitalized.

(3) CROSS REPORT TO ADULT PROTECTIVE SERVICES

- a. 1-800-339-4661 to report and follow-up by sending a written report of documented suspected abuse within two working days, or reporting through the Aging and Independence Services Web Portal at www.aiswebreferral.org, which does not require any follow up written report. [Welfare and Institutions Code 15640(c) and 15658]

(4) REFER TO SAN DIEGO COUNTY BLUEPRINT ON ELDER AND DEPENDENT ABUSE

- a. Reference this document for more information on recommended dispatch, patrol and investigative response when elder and dependent adults are involved.
- b. Utilize the San Diego Countywide Elder and Dependent Adult Abuse Supplemental form for documentation of abuse and neglect that does not meet criteria for a DV relationship per PC 13700.

**COMPLETE THE COUNTY APPROVED
ELDER AND DEPENDENT ADULT ABUSE SUPPLEMENTAL” FORM.**

Utilize the San Diego Countywide Elder and Dependent Adult Abuse Supplemental form for documentation of abuse and neglect that does not meet criteria for a DV relationship per PC 13700. See ADDENDUM – J for this Supplemental form.

SECTION 4

FOLLOW-UP INVESTIGATION

- I. All domestic violence reports prepared by officers pursuant to PC 13700 et. seq., should be referred to investigative personnel for review and follow-up investigation as soon as reasonably possible.
 - A. Investigative personnel refer to a detective, investigative specialist, or other designated personnel.
 - B. Investigative personnel receiving domestic violence related crime and arrest reports shall process them in the same manner as all other criminal violations.
 - C. Whenever possible, investigative personnel will be specifically designated to handle domestic violence cases based on an investigator's desire to handle such cases.
- II. Follow-up investigations should consist of the following steps:
 - A. Review patrol reports and determine whether all steps outlined in Section 3 were completed. If patrol officer failed to complete any of the above, make sure the work is completed. Do not ask the victim whether he/she wishes to press charges.
 - B.
 - 1. In cases that did not meet criteria for a CAC interview, interview the victim, witnesses and children (see Section 7).
 - 2. Do not simply "confirm" what is in the patrol officer's report.
 - 3. Interview the victim and witness in detail and document the information received in your follow-up report. Consider obtaining child witness forensic interview. (See Section 7.)
 - 4. Inquire whether the victim is receiving assistance from an advocate or Family Justice Center. Advise the victim they have a right to have an advocate present.
 - 5. Locate and interview other corroborating witnesses (such as neighbors) who may have heard the incident yet had not become involved. These "ear-witnesses" can be invaluable during prosecution.
 - C. Other Evidence Considerations
 - 1. Inquire whether the victim wants a DAFE or if they have a follow-up DAFE scheduled. Law enforcement may consult with Palomar Health - Forensic Health Services regarding adults, minors, and developmentally delayed adults or Chadwick (for minors) at any point. If DAFE will not be performed for any reason, subsequent photographs should be taken by detectives, even if the patrol officer took photographs.
 - 2. Obtain copies of medical reports and medically mandated reports ("Suspicious Injury Reporting (2-290) form") from healthcare staff when available.

3. Obtain a copy of the 911 tape and the printout involving the original call for assistance.
4. Inform the victim and witnesses of the status of the case and the intended referral to the District Attorney or the City Attorney.
5. If victim disclosed incident to friends, family or others record their names and contact information. Record the names, addresses and telephone numbers of two close friends or relatives of the victim who will know of her/his whereabouts at all times during and after the investigation.
6. Conduct a complete ARJIS history of the suspect and the victim and attach it to the investigator's report.
7. Obtain copies of prior police reports, prior 911 printouts, recordings and videos if they exist.
8. Medical evidentiary exams for victims or suspects.
9. Obtain copies/screenshots/BWC videos of text messages, call/cell phone logs, social media postings, and any other video or digital photographic evidence.

D. Interview Suspect

1. Interview the suspect in person as close in time to the incident as is practicable, unless they have invoked.

E. Investigative personnel handling domestic violence cases should analyze each domestic violence case by considering the following questions:

1. Can the elements of the offense be established without the testimony of the victim?
 - a. If yes, the case should be submitted to the District Attorney or the City Attorney for review, irrespective of the wishes of the victim.
 - b. If the answer is no, the investigator must determine if the victim is generally cooperative, i.e., will they come to court if subpoenaed to do so.
 - (1) If the victim will, the case should be submitted to a prosecutor for review.
 - (2) If the victim will not, determine whether further corroboration can be obtained to allow the prosecution to proceed without a cooperative victim.
 - (3) If the answer is no and there is no independent corroboration to establish the offense, it is still recommended that the case be submitted for review and filed with records.
 - (4) If the investigator determines there is a high risk of lethality based upon patrol reports and follow-up investigation, discuss the case with a prosecutor and consider a referral to the local Domestic Violence High Risk Case Response Team. (See ADDENDUM – F for contact information)
 - (5) Even if the case is not submitted, provide the victim referrals for victim services.

**Domestic Violence High Risk Case Response Team (HRT)
Multi-Disciplinary Team (MDT)**

The High Risk Case Response Team and the Multi-Disciplinary Team includes victim advocate agencies, law enforcement representatives, City and/or District Attorney's Office representatives, and others which seek to collaboratively respond to intimate partner violence cases that have been identified as high risk for lethality by coordinating available services, evaluating the known dangers as a team, cross-sharing case information, and determining a team response in order to enhance the overall system response for the individuals involved in the case.

SECTION 5

DOMESTIC VIOLENCE SEXUAL ASSAULTS

- I. When a peace officer responds to a call involving domestic violence and there is a report, disclosure or concern that a victim has been sexually assaulted, the peace officer should follow the procedures listed in Child-Victim Witness Protocol (<https://www.palomarhealth.org/forensic-health-services/child-victim-witness-protocol>) and Sexual Assault Protocol (https://www.sandiegocounty.gov/content/sdc/ems/sexual_assault_response_team.html), including:
- A. Ensure the victim's safety.
 - B. Evaluate the need for emergency medical care.
 - C. Evaluate the need for additional units and a supervisor.
 - D. Check for possible suspects.
 - E. Identify, isolate and interview potential witnesses.
 - F. Preserve the crime scene and impound evidence or request assistance from an evidence technician or crime lab personnel.
 - G. Conduct an initial interview of victim. Evaluate the need for crisis intervention/advocate on scene.
 - H. Offer victim a medical evidentiary exam.
 - I. Contact a SART facility (see ADDENDUM – E for contact information) to consult on and arrange the exam. The SART Facility will automatically contact a sexual assault victim advocate.
 - J. If the victim consents, transport the victim to a SART facility.
 - K. Provide transportation for the victim upon completion of the examination.
 - L. Impound evidence. (See below)
 - M. Complete reports and submit them to investigations.

The most common defense in domestic violence sexual assault cases is that of *consent*. Thorough investigations require probing into this issue by asking questions of witnesses and collecting/documenting evidence that focus on this subject.

II. SART

- A. The Sexual Assault Response Team (SART) is comprised of three disciplines: law enforcement, the sexual assault examiner and a rape crisis advocate.

III. SEXUAL ASSAULT MEDICAL EVIDENTIARY EXAMINATION PROCEDURES FOR SUSPECTS

- A. Medical evidentiary examinations should be conducted on individuals suspected of committing a sexual assault. Some law enforcement agencies may contract with a private company to conduct these exams. Officers must be aware of their agency's procedures and policies regarding these exams.

- B. Once the exam is completed officers must impound all evidence collected.

IV. EVIDENCE COLLECTION AND IMPOUNDS

1. Officers should collect evidence at the crime scene.
2. All clothing worn by the suspect at the time of the offense shall be impounded either by the officer or the SART examiner.
3. Clothing worn by the victim that may be contaminated or contain evidence shall be impounded either by the officer or the SART examiner. However, if possible, have the victim attend the medical evidentiary exam wearing the clothes from the assault and bring a change of clothing to the hospital for after the exam. Officers shall ensure a chain of custody of evidence.
4. Victim and suspect clothing should be collected separately from each other. Also, each individual clothing item should be collected and **packaged** in a separate **paper bag** (to avoid transfer of stains from one article of clothing to another in the same packaging). **Do not impound the clothing in plastic bags.**
5. Evidence that cannot be obtained by the responding officer must be protected until the assigned investigator determines if an evidence technician is needed.
6. All other items that could possibly contain evidence (e.g., bedding, condoms, and packaging, etc.) shall be collected, bagged separately and impounded. Do not transfer clothing or bedding to the medical evidentiary exam, only the clothing worn by the victim or suspect to the facility may be collected as part of the medical evidentiary exam.
7. Clothing and rape kits may be impounded on the same property tag; however, the officer must indicate which kit belongs to the victim and which belongs to the suspect and must further itemize all other property.
8. Obtain copy of the medical evidentiary exam report.
9. If the assault occurred in a vehicle, it should be impounded as evidence with a hold for the appropriate investigative unit.
10. If the victim may have ingested any drug ask healthcare staff to obtain a **urine** sample as soon as possible. The drug may be detectable within 36 hours after ingestion. The best way to obtain a urine sample in a timely manner is during the medical evidentiary exam.

V. INFORMATION TO BE GIVEN TO VICTIMS

- A. A “Victims of Domestic Violence” card with information involving sexual assault shall be provided to the victim [PC 13701(H)].
- B. Officers must advise victims of sexual assault that the victim’s name will become a matter of public record unless they request otherwise [PC 293 and 293.5].
1. An officer shall advise victims of their right to anonymity and advise the victim to discuss this right with the Deputy District Attorney or City Attorney handling their case.
 2. For purposes of this section, a sex crime is defined as PC 220, 261 through 267, and 281 through 292.

3. Law enforcement agencies are prohibited from disclosing the victim's name and address to anyone except the prosecutor if requested by the victim.
4. Officers will use the victim's true name when completing their crime and arrest reports, property tags, hospital records, etc. These records are a necessary part of a criminal investigation.

C. PC 679.04 says that victims of sexual assault, including spousal rape, have the right to have a sexual assault victim counselor and at least one additional support person chosen by the victim present at any evidentiary, medical or physical examination or interview by law enforcement authorities, district attorneys, city attorneys, or defense attorneys.

1. The initial investigation by law enforcement at the crime scene to determine whether a crime has been committed and the identity of the suspects **does not** constitute a law enforcement interview.
2. The law requires prior to any interview by law enforcement, district attorney or city attorney, the victim shall be notified either orally or in writing by the attending law enforcement authority, district attorney, or city attorney advising the victim has the right to have a victim advocate and a support person present at the interview.
3. It is mandatory that all sexual assault victims are interviewed by a deputy district attorney or city attorney prior to the issuance of a sexual assault case absent exigent circumstances. This interview is crucial and required so prosecutors can determine what if any criminal charges should be filed. Investigators must be prepared to transport the victim to the District Attorney's or City Attorney's Office for the interview.

SECTION 6

STALKING IN DOMESTIC VIOLENCE CASES

- I. **STALKING DEFINED:** PC 646.9 defines stalking as:
"Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family."
- A. Law enforcement should be thinking about the possibility of stalking when victims report that they have made life changes due to a suspect's actions (e.g., when victims have changed their phone numbers, changed their routes to and from work, changed locks on the doors, repeated RO violations etc.). Additional inquiry must be made to determine whether this is an isolated incident or repeated conduct.
- B. A **credible threat** means a verbal or written threat, including an electronic communication device, or a threat implied by a pattern of conduct or a combination of both made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family. A **credible threat** also requires that the suspect has the apparent ability to carry out the threat so

that the target of the threat is reasonably fearful for his or her safety. It is not necessary to prove that the suspect had the intent to actually carry out the threat. A suspect can make a credible threat even if he/she is in jail. “Electronic Communication device” includes but is not limited to phones, cell phones, computers, video recorders, fax machines, or pagers [PC 646.9(g)/(h)].

- C. The element of **credible threat** is often the toughest element to prove beyond a reasonable doubt. Ask the victim about phone calls, recorded messages, text messages, social media postings, number of TRO/CPO violations (and whether victim reports every violation to law enforcement), other previous incidents, etc. to help establish the pattern of behavior which is causing the victim to fear for their safety. If a victim hasn’t requested a TRO, ask why (many times this will help victim explain why he or she is in fear.) Collect and impound such evidence for the case.

Discuss potential stalking cases with your area branch Family Protection Unit, Deputy District Attorney or City Attorney. Stalking cases are vertically prosecuted and handled at each branch office.

SECTION 7

CHILDREN EXPOSED TO DOMESTIC VIOLENCE INCLUDING BASIC GUIDELINES FOR CHILD WITNESS INTERVIEWS

- I. Children are often present at domestic violence incidents. Research studies have consistently found a high correlation between children’s exposure to domestic violence and 1) trauma symptoms such as depression, anxiety, post-traumatic stress and an impacted sense of well-being, safety, and stability; 2) behavioral, social and emotional problems such as aggression, anger, hostility, and low self-esteem; 3) cognitive and attitudinal problems such as poor school performance and lack of conflict resolution skills; 4) poor physical health; 5) risk of child maltreatment victimization; 6) increased tolerance for violence in relationships and high levels of adult depression.³

See the **San Diego County Child Victim Witness Protocol** for suggestions (www.chadwickcenter.org or <https://www.palomarhealth.org/forensic-health-services/child-victim-witness-protocol>).

A. GUIDELINES FOR OFFICERS

1. Recognize that whenever children are present during a domestic violence situation, they may have been direct victims [e.g., if the child was battered or injured consider PC 242, PC 273a(a)].

³ Rossman, 2001; Singer, Angelin, Song, and Lunghofer, 1995; Dube, Anda, Felitti, Edwards, & Williamson, 2002; McEwen, 2000; Perry, 2001; CDC, 1999; Malinosky-Rummell & Hansen, 1993; Daro et.al., 2004; Finkelhor 2006; Osofsky, 2004. McGuigan & Pratt, 2001; Rumm et al., 2000; Duke et al., 2010; Finkelhor et al., 2009; Flaherty et al., 2009.

2. Recognize that even if a child was *not* present during the immediate instance of domestic violence, they may have been exposed to it in the past (consider interviewing the child for this purpose in order to obtain corroboration or pattern evidence potentially admissible pursuant to Evidence Code 1109).
3. Recognize that if a child was present during domestic violence [even in a different room, that child can be a victim pursuant to PC 273a(b)].
4. Recognize that often, children do not “sleep through” the domestic violence, despite what a victim may tell you.
5. Interview all children present and take a statement when appropriate. Consider using the Minimal Facts interview – see Addendum C and sample questions in Section B below. Children as young as four are often able to describe the violent episode. Children can be reliable witnesses when interviewed properly (See sample questions below). A forensic interview by a trained professional should be considered based on the child’s level of exposure to the crime and severity of the incident. It is not recommended that very young children are interviewed given their susceptibility to suggestion. Consult with Palomar Health Forensic Services or Rady Children’s Chadwick at any time for guidance on whether a forensic interview would be the best option
6. Whenever possible, interview child witnesses alone, separate from the victim, the suspect, and any other children/witnesses or family members, to prevent undue influence.
7. If children were in the home at the time of the domestic violence incident or personally witnessed the domestic violence, make sure to list them on the Domestic Violence Incident Report as witnesses and in the body of the report. If a child is a victim of any crime, including such crimes as child endangerment, list the child as a victim in the report or write a separate report.
8. Take color photographs of the crime scene including any evidence of children’s exposure to violence, (e.g., crib/child’s bed in room where victim was injured, toys broken or thrown around room).
9. Note the child’s demeanor: Fearful, angry, calm, tearful/crying, nervous, upset, etc. This assists prosecutors in determining whether the statement will be admissible in court.

**WHEN CHILDREN ARE PRESENT DURING A DOMESTIC VIOLENCE INCIDENT
CONSIDER CHARGING PC 273a(b), CHILD ENDANGERMENT, AS AN ADDITIONAL
CRIME.**

B. INTERVIEWING CHILDREN

Children can be reliable and credible witnesses when properly interviewed. The utmost care and consideration for the children’s physical and mental welfare is paramount. Here are some interviewing techniques that may assist law enforcement when interviewing children. This list of suggestions is not all-inclusive. Let your training, experience, and department policy guide you. See the San Diego County Child Victim Witness Protocol for suggestions on how to conduct a minimal fact interview. (See www.chadwickcenter.org)

1. Start by establishing rapport.
2. Locate an area where the child will feel safe and comfortable within the residence (or outside the residence if it's not safe within the residence).
3. Talk to children at their physical level.
4. Talk to children at their educational/developmental level.
5. Ask non-threatening or non-intimidating questions.
6. If possible, remove the child from the victim's and suspect's line of sight.
7. Ask simple, open-ended questions to gather information regarding who, what, where, and how things happened. Sample questions include:
 - a. What happened? (hitting yelling, etc.)
 - b. Who was there? (mommy, daddy, etc.)
 - c. Are you hurt? (if yes, refer to child victim/witness protocol.)
 - d. Did anyone get hurt? (get description of injury "owie")
 - e. Who did the hurting? (mommy, daddy, both, etc.)
 - f. What was mommy-daddy hurt with? (description of mechanism, fist, belt, etc.)
How did daddy hurt mommy?
 - g. Where were you when it happened? What were you doing? Was it daytime or nighttime or something else?
 - j. Have mommy and daddy fought like this one time or more than one time?
8. Allow children to describe in their own words what happened. Avoid introducing new vocabulary to the child and use the vocabulary that is offered by the child.
9. Avoid asking close-ended questions (i.e., yes/no and multiple choice), suggestive questions and leading questions. A suggestive question is one in which the adult introduces detail within the question, rather than the child providing the details ("Was it dark out?"), while a leading question is one that prompts or encourages a desired answer/response from the child ("Daddy hit mommy, didn't he?").
10. Allow the child time to respond; ask questions again if necessary.

C. USE OF CHILDREN AS INTERPRETERS IS DISCOURAGED.

Using children as interpreters is discouraged. This may increase trauma or put the children in situations of divided loyalty, or fear of repercussions from the aggressor in the incident. The translation may also be unreliable because it is affected by the child's own emotional state.

D. CROSS-REPORTING TO CHILD WELFARE SERVICES (CWS)

The officer, either alone or with a child welfare service worker, must also determine whether there is a protective issue for the victim and other children in the home. If leaving the children in their current situation would put them at risk, the officer **MUST** take them into protective custody per Welfare and Institutions Code section 300. Children taken into protective custody should be taken to Polinsky Children's Center, other designated receiving homes, or released to a Child Welfare Services worker.

When children reside in the home where domestic violence occurs, law enforcement should determine:

1. If the circumstances do not meet the definition of child abuse and neglect as defined in PC 11165.1-11165.5 (requiring a report to CWS), law enforcement

should make a referral to a community-based organization that will provide necessary services for the children and the family.

2. If the circumstances meet the definition of child abuse and neglect as defined in PC 11165.1-11165.5, a telephone call is required before the end of shift to the Child Abuse Hotline at (888) 242-5722 (law enforcement priority line), (858) 560-2191, or toll free in California at (800) 344-6000. A written follow-up report to CWS (DOJ form SS8572 Suspected Child Abuse Report) is also required within 36 hours.
3. If the circumstances meet the definition of child abuse and neglect as defined in PC 11165.1-11165.5, use your department's guidelines to determine whether to place the child into protective custody.

E. FORENSIC INTERVIEWS FOR CHILDREN EXPOSED TO DOMESTIC VIOLENCE

In a case that involves great bodily harm to a parent/caregiver or a caregiver causing great bodily injury to someone else (including but not limited to: a significant or substantial physical injury that would include serious bruising or wounds, concussion, broken bones and other serious injuries) all children living in the home should be forensically interviewed as soon as possible (according to the Child Victim Witness Protocol) at the Rady Children's Hospital Chadwick Center or Palomar Health - Forensic Health Services at *One Safe Place* (1050 Vallecitos Blvd., San Marcos).

It is sometimes necessary for law enforcement to gather information about the possible abuse or critical incident directly from the child in the field before a forensic interview is scheduled.

Officers should also consider requesting a forensic interview for children who are critical witnesses to other violent or serious felonies, consistent with the **San Diego County Child Victim Witness Protocol** (www.chadwickcenter.org or <https://www.palomarhealth.org/forensic-health-services/child-victim-witness-protocol>).

SECTION 8 **COURT ORDERS**

I. GENERAL POLICY:

Court orders shall be enforced by all law enforcement officers. This includes orders from other counties, states, Tribes or territories [PC 13701, PC 836(c)(1)]. If there are multiple restraining orders in place, an emergency protective order shall have precedence in enforcement over any other restraining or protective order [PC 136.2(c)(1)(B)(2)].

II. MANDATORY ARREST POLICY:

Law enforcement **shall arrest** an offender, absent exigent circumstances, if there is probable cause that a DV restraining order/protective order has been violated [PC 13701(b)].

When responding to a call alleging a violation of a domestic violence court order and probable cause exists, law enforcement **shall arrest**, even without a warrant and **whether or not the violation occurred in the officer's presence** [PC 836(c)(1)].

***Important:** Per PC 13710(b), the terms and conditions of a restraining or protective order remain enforceable, *notwithstanding the acts of the parties*, and *may be changed only by order of the court*. **This means that, “protected persons” are not in violation of protective orders when they acquiesce or invite the restrained person’s contact; therefore, the protected person is not to be arrested, the restrained person shall be arrested** [PC 13710(b)].

In situations where mutual protective orders have been issued, liability for arrest applies only to those persons who are reasonably believed to have been the dominant aggressor [PC 836(c)(3)]. In those situations, before making an arrest, law enforcement shall make reasonable efforts to identify, and may arrest the dominant aggressor involved in the incident. The dominant aggressor is the person determined to be the most significant, rather than the first aggressor. In identifying the dominant aggressor, law enforcement shall consider a) the intent of the law to protect victims or domestic violence from continuing abuse, b) the threats creating fear of physical injury c) the history of domestic violence between the persons involved and d) whether either person involved acted in self-defense [PC 836(c)(3)].

III. WHAT IS A “DOMESTIC VIOLENCE RESTRAINING ORDER/PROTECTIVE ORDER?”

Any order that enjoins one person from contacting another. (Orders issued pursuant to Family Code section 2040, Family Code section 6218, PC 136.2, and those issued by a criminal Court pending a criminal proceeding, and Emergency Protective Orders.)

IV. HOW TO DETERMINE WHETHER THE ORDER IS VALID

- A. Law enforcement can check with dispatch to see if a served order is on file.
- B. Law enforcement can access full information about the terms of the order through SDLAW.
- C. Law enforcement can also check on www.sdsheriff.net which lists limited restraining order information for all protective orders that are entered into CLETS.
- D. Law enforcement can also call the Sheriff's Department 24-Hour Law Enforcement Line (law enforcement only) at (858) 974-2457 and ask the following questions:
 - 1. **Is there a restraining/protective order on file?** (If so, it will be filed under the name of the restrained party)
IMPORTANT: If Sheriff personnel cannot verify the order, it may still be enforceable. If the responding officer believes in good faith that an order presented to him or her at the scene is valid and the suspect was on notice (see

questions 2 through 5 below), a *private person's arrest* may be made even though the Sheriff's Department was not provided a copy to enter into DVROS.

2. **What is the date of the order?** When did/does the order become effective?
 3. **What is the expiration date?** Has the order expired?
 4. **What are the terms of the order?** For instance, whether peaceful contact is allowed is important information in determining whether a violation has occurred.
 5. **Was the restrained person served with the order?** Is there a Declaration of Service on file or has another officer given the needed notice to the person to be restrained? Check for date of service.
- E. NO RECORD OF SERVICE. If no record of service exists:
1. Advise the restrained person that there is an order in effect.
 2. Give a copy of the order to the restrained person or, if no copy is available to give, have the terms of the order read over the phone and then verbally inform the restrained person of those terms.
 3. Advise the restrained person is now subject to the terms of the order and can be arrested for any further violations.
 4. Notify the Sheriff's Department and report that you have served the defendant, verbally or with a copy of the restraining order (The Sheriff will record your name, ID number, date, time and location that the suspect received notice).
 5. Prepare and sign a Proof of Service. If verbally served, notate verbal service in report or in details of call for service.
 6. File the Proof of Service as part of the report. Investigations personnel shall ensure the original Proof of Service is filed with the court issuing the order and a copy retained with the police report.

V. VICTIMS SHALL BE ADVISED ABOUT AVAILABILITY OF EMERGENCY PROTECTIVE ORDERS:

An Emergency Protective Order (EPO) can be an important tool for law enforcement in the prevention of future violence. Law enforcement **shall inform victims of the availability of EPO** when they have reasonable grounds to believe there is an immediate and present danger 1) of domestic violence based on the person's allegation of recent abuse or threat of abuse, or 2) the EPO is necessary to prevent the occurrence or recurrence of domestic violence. *If the person requests such an order, the officer shall request an EPO from the court* [Family Code sections 6275, 6251, 6250, PC 646.91].

- A. An EPO is available 24-hours a day, 7-days a week.
- B. This is not just an after-hours or weekend remedy.
- C. The fact that no crime has yet been committed does not eliminate the duty to advise victims about an EPO.
- D. Whether the respondent is in custody, or the protected person left the home for safety reasons should have no bearing on the availability of an EPO and should not be factored into the immediate and present danger determination.
- E. If an Emergency Protective Order is obtained, a Crime/DV Incident Report shall be documented on the incident.

VI. OFFICERS SHOULD INITIATE EMERGENCY PROTECTIVE ORDERS IF VICTIMS DECLINE THEM AND OFFICERS BELIEVE THERE IS AN IMMEDIATE AND PRESENT DANGER OF DOMESTIC VIOLENCE

Law enforcement does not need permission from victims or the request from victims in order to request an EPO from the court. Law enforcement can request an EPO on their own [See Family Code 6250(a)].

- A. Victims are often reluctant to request an EPO, for a variety of reasons.
- B. If a victim declines to request or accept an EPO, but the officer, based on their training and experience, has reasonable grounds to believe the victim is in immediate and present danger of 1) domestic violence based on the person's allegation of recent abuse or threat of abuse, or 2) the EPO is necessary to prevent the occurrence or recurrence of domestic violence, the officer should initiate an EPO.
- C. If the suspect has committed a prior domestic violence crime against the victim, the officer is strongly encouraged to initiate an EPO.
- D. Whether the respondent is in custody, or the protected person left the home for safety reasons should have no bearing on and should not be factored into the immediate and present danger determination.
- E. If an Emergency Protective Order is obtained, a Crime/DV Incident Report shall be documented on the incident.

VII. HOW TO OBTAIN AN EMERGENCY PROTECTIVE ORDER:

This procedure may be utilized 7 days a week, 24 hours a day.

- A. If a protective order is being sought, the officer will complete Form EPO-001 (rev. 1-2014 Application for Emergency Protective Order (CLETS)).
- B. For EPO's, call Sheriffs Records at 858-974-2493 24/7 to contact the on-call duty judge (this is a non-public number).
- C. Upon approval by the judge, the officer will complete Form EPO-001 (rev. 1-2014), Emergency Protective Order (CLETS). This order may be granted for up to five (5) full court days and will expire at 5:00 pm on the last specified court day.
- D. The officer will provide the **pink copy** of the application and the order to the issuing agency and the **canary yellow copy** to the protected party. The officer will submit the **white copy** of the application to the restrained party. The **goldenrod copy** of the application will be attached to the crime report.
- E. The officer requesting the orders shall carry copies of the order while on duty. A peace officer who requests an EPO shall serve the order on the restrained person, if the restrained person can be located [PC 646.91(h)(1), Family Code 6271(a)].
- F. The officer will encourage protected parties to carry a copy of the Emergency Protective Order on their person.

- H. Make sure to fax the front and back pages of the approved Emergency Protective Order to the Sheriff's office at (858) 974-2492 or email a copy of the EPO to warrant.records@sdsheriff.org, whether or not the EPO was served to the restrained party.
- I. Verbal admonishment by a law enforcement officer shall constitute valid service of the order under the following conditions:
 - a. Verbal admonishment must be conducted in person.
 - b. The terms and conditions must be read to the restrained person. Terms and conditions can be obtained by calling (858) 974-2457.
 - c. Advise restrained person to go to the local court to obtain a copy of the order containing the full terms and conditions of the order per Family Code section 6383(g).
 - d. Request immediate relinquishment of all firearms and ammunition.
- J. Fill out and provide restrained party with a receipt and notice of rights for confiscated firearms.

VIII. HOW TO OBTAIN AN EMERGENCY GUN VIOLENCE RESTRAINING ORDER:

This procedure may be utilized 7 days a week, 24 hours a day.

- A. If a protective order is being sought, the officer will complete Form EPO-002 (rev. 1-2017) Firearms Emergency Protective Order (CLETS – EVG).
- B. Law enforcement should contact the on-call judge through the Sheriff's Warrants at (858) 974-2493 during daytime, after hours, and holidays (this is a non-public #).
- C. Upon approval by the judge, the officer will complete Form EPO-002 (rev. 1-2017) Firearms Emergency Protective Order (CLETS – EGV). This order may be granted for up to twenty-one (21) full calendar days.
- D. The officer will provide one **copy** of the application to the court, one copy to the restrained party, and one copy to the issuing agency for the case report.
- E. The officer requesting the order shall carry copies of the order while on duty. A peace officer who requests a Firearms Emergency Protective Order shall serve the order on the restrained person, if the restrained person can be located [PC 18140].
- F. Make sure to fax the front and back pages of the approved Firearms Emergency Protective Order to the Sheriff's office at (858) 974-2492 whether or not the order was served to the restrained party.
- G. Fill out and provide restrained party with a receipt (DV-800) and notice of rights for confiscated firearms.
- H. Arrange for the original EPO-002 form and firearms receipt to be filed at Superior Court the next business day (can be any officer that does this); but not later than three court days after issuance.
- I. Have order entered into computer database system for protective and restraining orders maintained by Department of Justice.
- J. Attend the court date assigned by the judge (original requesting officer must attend this hearing or petition will be dismissed).

**PREPARE A CRIME REPORT FOR EVERY DV RESTRAINING
ORDER/PROTECTIVE ORDER VIOLATION.**

Law enforcement should always prepare and submit a crime report of the appropriate restraining order violation regardless of whether or not the suspect is still present at the scene.

IX. Out of State Orders

Officers shall enforce out-of-state protective or restraining orders that are presented to them if conditions below are met. “Out-of-state” orders include those issued by U.S. Territories, Indian Tribes, and military agencies.

1. The order appears valid on its face.
2. The order contains both parties’ names.
3. The order has not yet expired. (Full Faith and Credit Provision of the Violence Against Women Act, Family Code 6400-6409)

Officers should check CLETS to determine if the order has been registered in California. If the order is not registered, an attempt should be made to contact the foreign jurisdiction or its registry for confirmation of validity.

If validation cannot be substantiated, contact the Duty Judge for an EPO, but the out-of-state protective or restraining order must still be enforced if it meets the above criteria. If not registered in California parties should be advised to immediately register the order through the Family Court.

X. When it appears the protected party invited the Restraining Order violation:

Occasionally, officers may encounter a situation wherein a protected party has encouraged or invited a restrained party to violate the terms of an order by initiating contact. Officers should remember that the order remains in effect until canceled by the court, and that the restrained party is the only person in violation of the order in such a situation [PC 13710(b)].

SECTION 9

OFFICER INVOLVED DOMESTIC VIOLENCE PROCEDURES

No person, due to occupation, should be exempt from the application of the laws concerning domestic violence, or the duties outlined in this protocol. When responding to a domestic violence call involving another officer, the following procedures are recommended:

I. INVESTIGATIONS INVOLVING OFFICERS FROM OTHER AGENCIES

- A. These cases will be handled according to domestic violence laws, departmental policies, this protocol, and the Peace Officer’s Bill of Rights.

- B. In addition, the supervisor of the investigative unit will notify the agency that employs the officer as soon as possible.
- C. In addition, a copy of the completed investigation will be provided to the investigator's supervisor.

II. INVESTIGATIONS INVOLVING OFFICERS WITHIN AGENCY

- A. These investigations will be handled according to domestic violence laws, Departmental policies, this protocol, and the Peace Officer's Bill of Rights.
- B. These are guidelines only. Each agency should develop and follow specific Department Policies and Procedures regarding officer involved domestic violence consistent with the Peace Officer's Bill of Rights.

SECTION 10 **COURTESY REPORTS**

- I. If the responding agency determines that the abuse took place in another jurisdiction, the following procedures are encouraged:
 - A. Attempt to contact the agency where the crime occurred.
 - B. Ascertain if the agency will send officers to conduct an investigation in a timely manner.
 - C. While waiting for the responding officers from the jurisdiction where the crime occurred, prepare a report to document anything you witnessed first-hand including actions, statements, and demeanor of the victim/suspect.
 - D. If an officer from the jurisdiction where the crime occurred is unavailable, prepare a "courtesy" report.
 - 1. The "courtesy" report should meet the same standards as any crime report investigated by that jurisdiction.
 - 2. Law enforcement should use the DV Supplemental report form [PC 13730].
 - 3. An effort should be made to recover any relevant evidence including photographing the injuries.
 - 4. A case number should be assigned to the case to meet the reporting requirements set forth in PC 13730.
 - 5. The case number can be either permanent or temporary based upon the policies and procedures of that specific agency.
 - 6. Notify the agency where the crime occurred that the report has been made.
 - 7. Fax a complete copy of the investigation to that agency's record section and/or to the investigative unit responsible, to investigate the crime as quickly as possible.

SECTION 11 **REMOVAL OF FIREARMS OR OTHER DEADLY WEAPONS**

Abusers with firearms are five times more likely to kill their victims and is the top method of murder in domestic violence fatalities in San Diego County. Approximately 95% of officers who died responding to domestic disturbance calls were killed with firearms.

- I. Law enforcement shall make every attempt to legally seize firearms or other deadly weapons from domestic violence incidents pursuant to Penal Code section [18250](#).
 - A. At the scene of domestic violence incidents involving a threat to human life or a physical assault, law enforcement should request consent to search for firearms if they or the victim believe the suspect has access to firearms and remove firearms whenever lawful.
 - B. Law enforcement shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present pursuant to Penal Code 18250.
 1. If an officer or victim believes the suspect has access to firearms, the victim has declined or not requested an EPO, and consent to search is not granted, or consent is granted but firearms are not found, every attempt should be made by officers to pursue the following options, individually or together:
 - a. seeking a telephonic search warrant
 - b. seeking an emergency gun violence restraining order (EPO-002)
 - c. seeking an officer-initiated EPO (EPO-001)
 2. An officer shall consider a gun violence restraining order or seek an officer-initiated EPO (EPO-001), in circumstances involving a domestic disturbance response to a residence associated with a firearm registration or record, during a response in which a firearm is present, or during a response in which one of the involved parties owns or possesses a firearm.⁴
 - C. Upon serving a protective order or gun violence restraining order, the officer/deputy shall take custody of the firearm or other deadly weapon.
 - D. If a protective order is in place for DV or gun violence, law enforcement shall take the firearms into protective custody.
- II. Prosecutors should notify courts when reasonably possible when domestic violence defendants have registered firearms.
- III. The District Attorney's Office and City Attorney's Office will run the Automated Firearms computer screens in all domestic violence cases when feasible and attempt to notify the courts of relevant information regarding those registered firearms.
- IV. If the court notifies law enforcement that a restrained party has not provided evidence of firearms relinquishment, law enforcement shall take all actions necessary to obtain the firearms and ammunition pursuant to Family Code 6306(f) (SB 320 effective 1/1/2022).
- V. Law enforcement shall ask victims if they know of any unregistered firearms that the suspect has access to.

⁴ PC 18108(b).

SECTION 12

ANIMAL CRUELTY & DOMESTIC VIOLENCE

- I. A correlation between animal cruelty, domestic violence and other forms of community violence has long been established. 55% of domestic violence victims and their children report that their pets are very important sources of emotional support, thus violence toward pets may be especially devastating and viewed as another form of family violence. Similar to domestic violence, abusers demonstrate power and control over the family by threatening, harming, or killing pets. 71% of pet owners entering domestic violence shelters report that their abuser had threatened, injured, or killed family pets. Children exposed to domestic violence are three times more likely to be cruel to animals. 52% of victims in shelters left their pets with their batterers. 65% of women who report pet abuse continue to worry for their pets' welfare after entry into a shelter.

Investigation of animal cruelty is often the first point of intervention for a family experiencing domestic violence. Reporting, investigating, and prosecuting animal cruelty can help minimize future acts of violence against animals, families, and the community.

A. ANIMAL CRUELTY CHARGES

- i. When appropriate, law enforcement should cite or arrest suspects for animal cruelty.
- ii. PC 597(a)
 1. Every person who **maliciously** and **intentionally** maims, mutilates, tortures or wounds a living animal, or maliciously and intentionally kills an animal.
 - a. **Animal** - "every dumb creature" - PC 599b.
 - b. **Torture** – every act, failure to act, or neglect that causes or permits unnecessary or unjustifiable physical pain or suffering
 - c. **Maiming** – disabling or disfiguring any animal permanently or depriving it of a limb organ or other body part
 - d. **Maliciously** – Intentionally doing a wrongful act. Or acting to disturb, annoy, or injure an animal.
 2. Can be charged as a misdemeanor or felony.
- iii. PC 597(b)
 1. Every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or

otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor.

2. Can be charged as misdemeanor or felony.
- iv. PC 597(a) and 597(b) does not prohibit hunting animals for food, scientific experimentation by a college or university, or killing venomous reptiles or animals known to be dangerous to humans
- v. PC 286.5
 1. Applies to contact between the sex organs or anus of animal/human with the sex organs, mouth, or anus of the other.
 2. Applies to the insertion of an object or any body part into the vaginal/anal opening of the animal.
- vi. PC 597b
 1. Prohibits cockfighting, fighting bulls, bears, dogs, or any animal
- vii. PC 597j
 1. Prohibits owning or training a bird for a fighting exhibition
- viii. PC 597.5
 1. Misdemeanor to watch a dogfight
 2. Felony to own or train a dog to fight, cause a dog to fight, or allow your property to be used for dogfighting
- ix. PC 597s
 1. Willful abandonment of animals
- x. PC 597.1(a)
 1. Failure to provide care
- xi. PC 597.7
 1. Leaving an animal unattended in a motor vehicle endangering their health or well-being

B. INVESTIGATION

- i. At the scene of domestic violence incidents, law enforcement should inquire whether there are pets in the home and whether suspect has ever abused or showed aggression towards pets.
- ii. At the scene of animal cruelty, law enforcement should:
 1. Photograph animal, suspect, and scene.
 2. Speak with neighbors.
 3. Seize any weapons used.
 4. Interview suspect.
 5. Obtain any videos, texts, or recordings related to incident.
 6. If appropriate, transport animal to veterinarian for an exam.
 7. If appropriate, seize animal and turn over to local animal services.

- iii. If the animal is deceased, law enforcement should schedule a necropsy (autopsy for an animal) with Doctor of Veterinary Medicine, Alexandra Silber.
 - 1. 760-473-8232
- iv. Local animal service agencies, such as Humane Society and Department of Animal Services, should be contacted regarding animal cruelty investigations when possible.

C. RESOURCES

- i. Humane Law Enforcement
 - 1. 619-299-7012 and Press “1”
- ii. County of San Diego Department of Animal Services
 - 1. 619-767-2675
- iii. National City Animal Control
 - 1. Animal Regulations
 - a. 619-336-4478
 - 2. Animal Emergency
 - a. 619-336-4411
- iv. Chula Vista Animal Care Facility
 - 1. 619-476-2477
- v. Coronado Animal Services
 - 1. 619-522-7371
- vi. Camp Pendleton Animal Shelter
 - 1. 760-725-8120
- vii. If domestic violence victims are seeking a domestic violence shelter and have pets, law enforcement may call:
 - 1. San Diego Humane Society, 619-299-7012, and press “0” to assist in locating a domestic violence shelter that accepts pets.
 - 2. Rancho Coastal Humane Society – Pet Shelter
- viii. District Attorney Office – Family Protection Division
 - 1. 619-531-4041

ADDENDUM – A
COURT ORDER CHART

San Diego County Restraining Orders

The most restrictive order prevails, with an EPO superseding all others [PC136.2(c)(1)(B)(2)]. The conduct of the parties cannot modify a restraining order [PC 13710(b)]. Only a Judge can modify an order.

Type	Number Example	Booking Charge
Civil Harassment	37-201400102464	PC 273.6
Criminal CPO	Court Case number M191856DV or CD251327	PC 166(c)(1)
Civil DV	DV023468	PC 273.6
Dependency	D542456	PC 273.6
Juvenile	653241	PC 273.65
EPO	Agency Case number 14-013894	PC 273.6

The term “No Negative Contact” order applies to individuals on DV probation. A restrained person may have contact with a Protected Person if such an order is in place. A "No Negative Contact" order requires the restrained person to not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected party. Officers retain discretion whether to make an arrest.

Call the Sheriff's Dept. to determine the validity of the order: (858) 974-2457

ADDENDUM – B

MILITARY

I. NAVY RESPONSE

Spouse and child abuse has a negative effect upon military readiness, effectiveness, and good order and discipline. Accordingly, response to spouse and child abuse is a leadership issue.

The Navy Family Advocacy Center is directed by the U.S. Department of Defense to assist with the intervention and prevention of domestic abuse. Victim advocates assist victims with obtaining resources and referrals to help them maintain safety in or out of an abusive relationship.

A committee of military personnel reviews clinical assessments, medical and law enforcement reports and is tasked with recommending treatment for offenders and victims. These recommendations do not take the place of civilian prosecution/mandates but may be substituted for civilian treatment requirements with court approval. The Navy is able to intervene with immediate safety needs by issuing a Military Protective Order that instructs the service member to stay away from the alleged victim. This is recognized by the Navy only and a civilian protective order should be obtained for law enforcement protection.

Point of Contact:

Fleet and Family Support Counseling Services Naval Base San Diego 3147 Eel Alley Building 271 San Diego, CA 92136-5182 Tel: (619) 556-8809 Fax: (619) 556-9473

II. MARINE CORPS RESPONSE

The Marine Corps' philosophy regarding intimate partner violence is that it detracts from military performance and negatively impacts the efficient functioning and morale of military units and is incompatible with maintaining "good order and discipline." Intimate partner violence is an absolute violation of a Marine's Core Value of Honor, Courage, and Commitment.

Marines will be held accountable for perpetrating acts of intimate partner violence. Victims of intimate partner violence will be immediately afforded access to a victim advocate and assisted with safety planning. If necessary, a Military Protective Order (MPO) will be put in place to protect the victim.

The Marine Corps Family Advocacy Program (FAP) is tasked by the Department of Defense with intervening in cases where intimate partner violence has been alleged. Clinical assessments and safety planning are provided by FAP personnel to all involved parties. Treatment planning takes place at the Clinical Case Staffing Committee (CCSM) and treatment recommendations are

provided to the service member's command for their disposition. Victim advocacy services and safety planning are ongoing throughout the FAP process.

Points of Contact at San Diego Marine Corps Bases

MCAS Miramar

FAP Manager

(858) 307-4104 FAX (858) 307-4378

PMO Desk Sergeant (858) 307-4068

24/7 Helpline 858-864-3408

MCRD

FAP Manager

(619) 524-6864 FAX (619) 524-0464

PMO Desk Sergeant (619) 524-4202

Camp Pendleton

FAP Manager

(760) 725-9051 FAX (760) 725-0312

PMO Desk Sergeant (760) 763-2077

ADDENDUM – C

San Diego County Child Protection Team MINIMAL FACTS FIELD INTERVIEW

Minimal Facts Field Interview: An interview conducted in homes, schools or other locations other than a Child Advocacy Center (Chadwick Center at Rady Children’s Hospital or Palomar Health at *One Safe Place*, 1050 Vallecitos Blvd., San Marcos). This should be a “minimal facts” interview designed to establish enough information to determine immediate protective actions, if a crime may have occurred and if a forensic interview is in order. Proper interview guidelines should be followed.

If it is necessary for public safety, or the safety of the child, or other children, proceed with a minimal facts interview, attempt to obtain information that may help establish peripheral details that may lead to corroborating evidence which you can seize or preserve at the scene.

The Goal is to establish whether abuse of a child may have occurred without conducting a full interview of the victim or tainting future interviews. A more extensive interview should take place at Chadwick or Palomar.

Avoid extensively interviewing the child victim. If you can get information that you need from another witness, such as a parent, teacher, or relative, that will help you establish probable cause that a crime was committed and make immediate protective decisions, **which is sufficient** until the forensic interview is scheduled.

Do not *provide* the child with any cues or language (e.g., words like “penis,” “ejaculation,” “erection”). Do not demonstrate for the child any movement, actions, or positioning. Allow the child to explain in his/her own words what happened. Patrol officers should then notify the department’s Child Abuse Unit.

Minimal Facts Interview Checklist

1. Location of the Interview
 - a. Interview child separately from other witnesses or parents.
 - b. At school you have to ask if the child wants someone there.
 - i. Note if suspect/parent trying to interfere/intimidate child (PC 136.1, PC 273a potential)
 - ii. Note child’s demeanor and emotions
 - iii. Photograph any injuries on child

Pace of Interview: SLOW DOWN and take time to build rapport with the child.

2. Questions

How to question a Child Victim/Witness:

DO build rapport with child- express interest in them as a person, not just as a victim/witness.

DO NOT introduce new information (words, sexual acts, concepts, etc.). **DO** use the child's words.

DO NOT ask questions related to time such as "How many times?", "What time?" or "How Long?"

DO document child's statements as accurately as possible (audio recording to BWC best). **DO NOT** summarize or paraphrase.

DO remain neutral, objective and supportive.

DO NOT react to child's statements in way that may minimize, blame, frighten, shame the child victim/witness or make assumptions about child's perception of the alleged abuse, incident, or support.

Keep in mind that you should keep all questions open ended (e.g., "What happened?" "Tell me about that." "Help me understand"). Do not ask questions that suggest the answers – leading questions. Attempt to obtain the following information. This is not a script to be used with every child. Keep in mind the child's age, demeanor, and ability to communicate.

- a. *What happened?* – let the child describe and do not insert any of your own vocabulary for the child. Depending on the child's description, officers may need to clarify what the suspect used to commit the act (e.g., if child stated that daddy hit mommy: *What did daddy hit mommy with?*)
- b. *Where?* – generally speaking. For example, a child may not be able to give you an address, but they can tell you "Grandma's house" (e.g., "Where were you when this happened?")
- c. *When was the last incident/contact?* Do not ask the child how many times. Younger children especially do not have a concept of time. Once or more than once is about as specific as you need to get at this stage of the investigation. It is important to try to establish the last incident/contact which can often be gathered from adults who are knowledgeable about the child.
- d. *Who?*
 - i. Who did it?
 - ii. Who was there?
 - iii. Who else saw it/heard
 - iv. Did it happen to someone else?
- v. Did you tell someone about it? Who did you tell?
 - vi. Did the abuser use anything (object) to commit the abuse?
- e. Is immediate medical attention necessary for child's health or to gather physical evidence?

Safety of the child?

Is child physically and emotionally safe?

Are other steps necessary to assure child's safety or other potential victims?

How can you help the child feel safe?

ADDENDUM – D

Human Trafficking

Human Trafficking - All acts involved in the recruitment, abduction, transport, harboring, transfer, sale, or receipt of persons, within national or across international borders, through force, coercion, fraud, or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.

Human trafficking is the control and exploitation of people for profit.

General inquiries regarding reporting suspected human trafficking can go to the National Human Trafficking Hotline at 1 (888) 373-7888, which routes to the San Diego Human Trafficking Task Force (HTTF). However not all county law enforcement agencies have officers assigned to HTTF and agency reporting processes may differ.

Reporting Requirements- Per PC 11165.1, starting January 1, 2016, the commercial sexual exploitation of a child has been determined to be a form of sexual abuse and required by law to be reported to the Child Abuse Hotline by mandated reporters. Additionally, any time a juvenile is a victim of any human trafficking related crimes or suspected of being a victim of any human trafficking related crimes, it is mandated that this will be reported to Child Welfare Services (CWS) by mandated reporters.

Example Screening Questions:

1) Do you feel safe at home or at the place you are staying currently?

☐ Yes ☐ No ☐ Decline to answer

2) Are you being hurt (physically, emotionally, sexually, etc.) by someone you know?

☐ Yes ☐ No ☐ Decline to answer

3) In United States, have you ever worked [or done other activities] without getting the payment you thought you would get?

☐ Yes ☐ No ☐ Decline to answer (LABOR TRAFFICKING)

4) Has anyone forced or pressured you to touch them or someone else sexually in exchange for safety, money, or something of value (for example, food, shelter, drugs, gifts, etc.)

☐ Yes ☐ No ☐ Decline to answer (SEX TRAFFICKING OR SEXUAL EXPLOITATION)

5) Is there anything else that you would like to tell me about your safety?

ADDENDUM - E

EVIDENTIARY EXAMS AND INTERVIEWS

1. Palomar Health - Forensic Health Services
760-739-2150 M-F 0830-1700
888-211-6347 After Hours, Holidays, and Weekends
 - A. 15615 Pomerado Road, Poway, CA 92064, (760-739-2150)
 - B. *Your Safe Place*: San Diego Family Justice Center, 1122 Broadway, San Diego, CA 92101
 - C. *One Safe Place* - North County Family Justice Center, 1050 Los Vallecitos Blvd., San Marco, CA 92069
 - D. Additional locations throughout the County with nurse consult.
 - E. Palomar Health - Forensic Health Services*, Child Advocacy Center, *One Safe Place* North County Family Justice Center, 1050 Los Vallecitos Blvd., San Marco, CA 92069 (760-739-2150); (888-211-6347) Nights and Holidays
2. Rady Children's Hospital* Chadwick Center for Children and Families, 3665 Kearny Villa Rd., Suite 500, San Diego, CA 92123, (858-966-8951)

*Rady Children's Hospital and Palomar Health - Forensic Health Services have comprehensive programs to assist in the detection of child abuse and molestation. In cases involving child and adolescent victims, officers should transport the victim to one of these facilities.

ADDENDUM – F

DOMESTIC VIOLENCE HIGH RISK CASE RESPONSE TEAM (HRT) & MULTI-DISCIPLINARY TEAM (MDT)

Central HRT Referrals

Center for Community Solutions	858-272-5777
San Diego DA's Office – Victim Assistance Program	619-531-4041
San Diego City Attorney's Office – Victim Services Coordinators	619-692-2077
YWCA of San Diego County	619-234-3164
<i>Your Safe Place</i> - San Diego Family Justice Center	619-533-6000

East HRT Referrals

Center for Community Solutions	619-697-7477
San Diego DA's Office – Victim Assistance Program	619-441-4538
License to Freedom	619-401-2800
Crisis House	619-444-1194
Southern Indian Health Council	619-445-1188
City of Hope	619-319-4423

North HRT Referrals

Center for Community Solutions	760-747-6282
<i>One Safe Place</i> - North County Family Justice Center	760-290-3690
San Diego DA's Office – Victim Assistance Program	760-806-4079
Community Resource Center	877-633-1112
Women's Resource Center	760-757-3500
California Indian Legal Services	760-746-8941

South MDT

South Bay Community Services	619-420-3620
San Diego DA's Office – Victim Assistance Program	619-498-5650

ADDENDUM – G

FAMILY JUSTICE CENTERS

Provide services for survivors of abuse and victimization. All services are free of charge to empower individuals to break free of their abusers, end the pattern of violence, build hope, and thrive. The FJCs provide a safe environment for victims and their families to regain their self-worth and find their way out of abusive relationships and into a new violence-free life.

Services include: Legal Assistance: DV Restraining Orders; Advocacy; Safety Planning, Self-Care Tools, Healthy Relationship Information; Cal VCB Application Assistance; Trauma Treatment (adult, child, and group); Professional clothing, baby items; & overnight essentials; Assistance in finding emergency shelter/housing and pet relocation; Family Resource Center services (e.g., Cal Works, Cal Fresh; Head Start programs); Connections to healthcare and child programs; Medical evidentiary examinations for Sexual Assault, Domestic Violence, Hate Crime, and Elder Abuse victims, and victims with other suspicious injuries. Clients may speak to law enforcement and/or Prosecutor on the FJC's premises.

“Your Safe Place: San Diego Family Justice Center

The San Diego Family Justice Center (SDFJC), part of the Office of the San Diego City Attorney, is dedicated to transitioning victims of domestic violence, sexual assault, and sex trafficking into survivors. The SDFJC is a team of professionals including therapists, nurses, prosecutors, domestic violence advocates, attorneys, detectives, and other community resource providers. For more information, please visit <https://www.sandiego.gov/yoursafeplace>

Location:

San Diego Housing Commission Building (Smart Corner) 1122 Broadway, Suite 200 San Diego, CA 92101

The SDFJC welcomes new clients on a walk-in basis M-F from 8:00 a.m. to 5:00 p.m. New clients are encouraged to arrive before 3:00 p.m.

North County Family Justice Center – *One Safe Place*

The North County Family Justice Center (NCFJC), led by the San Diego County DA's Office, has services and support available for victims of abuse including domestic violence, dating violence, human trafficking, sexual assault, child abuse, elder abuse, dependent adult abuse, hate crime, gang violence, those who lost loved ones to homicide, and other survivors of crime.

The NCFJC has over 80 partners who work together as a team to ensure a trauma informed, supportive, and seamless experience for survivors. Professionals include therapists, nurses, prosecutors, law enforcement, Care Coordinators and Case Managers, community-based advocates, attorneys, HHSA Self-Sufficiency, and other County and community providers. Visit <https://onesafeplacenorth.org/> for our current hours and to learn more about our services.

Location:

1050 Los Vallecitos Blvd.
(Behind Ashley Furniture)
San Marcos, CA 92069
(760) 290-3690

ADDENDUM – H

2023 SAN DIEGO COUNTYWIDE DOMESTIC VIOLENCE SUPPLEMENTAL

CASE #:		LE AGENCY (abbrev):		Reporting Officer & ID#:	
RELATIONSHIP BETWEEN SUSPECT & VICTIM					
☐ Spouse ☐ Former Spouse ☐ Dating ☐ Formerly Dating ☐ Engaged ☐ Formerly Engaged ☐ Cohabitants (not related to each other) ☐ Former Cohabitants ☐ Child in Common					☐ Victim Non-English Speaker? Specify: _____
Length of relationship: _____ Year(s) _____ Months(s) If applicable, date relationship ended: _____					
VICTIM NAME (Last, First, Middle)			SUSPECT NAME (Last, First, Middle)		
☐ NOT AT SCENE			☐ NOT AT SCENE		
Safe Phone #: _____ (Mobile # if possible)			Phone #: _____ (Mobile # if possible)		
GENDER ☐ Male ☐ Female ☐ Non-Binary ☐ Decline to State ☐ Unknown ☐ Other: _____ Preferred pronouns: _____		DOB: _____		GENDER ☐ Male ☐ Female ☐ Non-Binary ☐ Decline to State ☐ Unknown ☐ Other: _____ Preferred pronouns: _____	
EMOTIONAL Demeanor UPON ARRIVAL ☐ Upset ☐ Crying ☐ Fearful ☐ Calm ☐ Angry ☐ Nervous ☐ Not at Scene ☐ No Emotion ☐ Other: _____		EMOTIONAL Demeanor UPON ARRIVAL ☐ Upset ☐ Crying ☐ Fearful ☐ Calm ☐ Angry ☐ Nervous ☐ Not at Scene ☐ No Emotion ☐ Other: _____			
HISTORY OF ABUSE					
Talking about abuse can be uncomfortable, but I need to ask you questions about past abuse, any weapons you've felt threatened by, and past attempts to strangle/choke you.					
Prior DV? ☐ Yes ☐ No Approx # reported: _____ Approx # unreported: _____ <i>Describe unreported abuse (last, worst, first), approximate date(s), injuries, witnesses, etc. in report</i>					
How likely do you think it is the suspect will assault you (again) in the next year on a scale of 1 to 5 [with 1 <i>least</i> likely and 5 <i>most</i> likely?] _____					
Have you ever felt threatened by a gun (suspect showed victim a gun or talked about it in a way that scared victim, etc.)? ☐ Yes ☐ No If yes, explain: _____					
STRANGULATION					
Did the suspect strangle or "choke" the victim today? ☐ Yes ☐ No					
Any prior history of strangulation by Suspect to Victim (both documented and undocumented): ☐ Yes ☐ No					
DAFE exam offered? ☐ Yes ☐ No ☐ n/a DAFE exam accepted? ☐ Yes ☐ No ☐ n/a					
VICTIM		FIREARMS/DEADLY WEAPONS		SUSPECT	
Any weapons/objects victim is afraid could be used against them? ☐ Yes: _____ (specify) ☐ No		Do you have access to any deadly weapons? ☐ Yes: _____ (specify) ☐ No		Does suspect have access to any guns? ☐ Yes ☐ No ☐ Unsure	
Does suspect have access to any ammo? ☐ Yes ☐ No ☐ Unsure		Does victim have access to any guns? ☐ Yes ☐ No ☐ Unsure		Does victim have access to any ammo? ☐ Yes ☐ No	
Do you have access to any guns? ☐ Yes ☐ No ☐ Ammo?		Do you have access to any guns? ☐ Yes ☐ No ☐ Ammo?		Where are guns/ammunition located: _____	
Where are guns/ammunition located: _____		Where are guns/ammunition located: _____		# _____ of short guns # _____ of long guns _____ ammo	
# _____ of short guns # _____ of long guns _____ ammo		# _____ of short guns # _____ of long guns _____ ammo		**Did suspect consent to a search for weapons*? ☐ Yes ☐ No	
**Did victim consent to a search for weapons? ☐ Yes ☐ No		**Did suspect consent to a search for weapons*? ☐ Yes ☐ No		☐ *Consent Not Needed – suspect not on scene, victim gave consent	
Did the suspect use a weapon against the victim today? ☐ Yes ☐ No If yes, what was the weapon: _____					
Were firearm(s) impounded per PC 18250 (guns in plain view or discovered pursuant to consensual search)? ☐ Yes (# long: _____ # short: _____) ☐ No					
RESTRAINING ORDERS					
*Verify with dispatch/Sheriff's Records whether any current TRO/RO exists. Serve any unserved TRO/ROs.					
TRO/RO on record? ☐ Yes ☐ No TRO/RO No. _____ Date/Time Served: _____					
EPO Advisal? ☐ Yes ☐ No EPO Issued? ☐ Yes ☐ No Date/Time Served: _____ ☐ Unable to Serve					

Ask these questions on scene

WITNESSES			
Reminders: Witnesses to the DV? ☐ Yes ☐ No Witness statements and names/phone numbers included in the report: ☐ Yes ☐ No Victim and Witness Spontaneous Statements/Excited Utterances Documented in Narrative: ☐ Yes ☐ No			
LIST ALL CHILDREN OF SUSPECT AND VICTIM (PRESENT OR NOT)			
CHILD NAME (L, F, M): _____ DOB: _____ ☐ Male ☐ Female ☐ Non-Binary ☐ Unknown Child's School: _____	☐ Present OR ☐ Not at Scene (check all that apply) ☐ Saw ☐ Asleep ☐ Injured ☐ Heard ☐ Interviewed	Emotional Demeanor ☐ Upset ☐ Angry ☐ Nervous ☐ Calm ☐ No Emotion ☐ Crying ☐ Fearful ☐ Other: _____	Relationship: ☐ Child of victim ☐ Child of suspect ☐ Other relationship: _____
CHILD NAME (L, F, M): _____ DOB: _____ ☐ Male ☐ Female ☐ Non-Binary ☐ Unknown Child's School: _____	☐ Present OR ☐ Not at Scene (check all that apply) ☐ Saw ☐ Asleep ☐ Injured ☐ Heard ☐ Interviewed	Emotional Demeanor ☐ Upset ☐ Angry ☐ Nervous ☐ Calm ☐ No Emotion ☐ Crying ☐ Fearful ☐ Other: _____	Relationship: ☐ Child of victim ☐ Child of suspect ☐ Other relationship: _____
More than two children present? ☐ Yes ☐ No If Yes, list additional children in Report. <i>Ensure child witness statements included in Narrative.</i>			
EMERGENCY REFERRALS			
Cross report to Child Welfare Services filed? ☐ Yes ☐ No (Per PC 11164-11174.31) <i>Note: Tell the CWS hotline worker whether drugs were involved in the incident, so that a Drug Endangered Children (DEC) referral may be made.</i> Elder/Dependent Adult Resides in the home? ☐ Yes ☐ No Cross report to Adult Protective Services filed? ☐ Yes ☐ No (PC 15630-15632)			
VICTIM - INJURIES ☐ No visible or reported injuries ☐ Photos taken? HT: _____ ☐ Report of pain ☐ Bruise(s) ☐ Abrasion(s) ☐ Head injury ☐ Laceration(s) ☐ Soreness WT: _____ ☐ Possible broken bones ☐ Bite ☐ Other: _____ Explain: _____		SUSPECT - INJURIES ☐ NOT AT SCENE ☐ No visible or reported injuries ☐ Photos taken? HT: _____ ☐ Report of pain ☐ Bruise(s) ☐ Abrasion(s) ☐ Head injury ☐ Laceration(s) ☐ Soreness WT: _____ ☐ Possible broken bones ☐ Bite ☐ Other: _____ Explain: _____	
VICTIM - MEDICAL TREATMENT ☐ None ☐ Refused ☐ Paramedic Response ☐ Transported to Hospital ☐ Hospital /Medic Unit: _____ ☐ Medical Release Signed by Victim? ☐ Is Victim Pregnant?		SUSPECT - MEDICAL TREATMENT ☐ NOT AT SCENE ☐ None ☐ Refused ☐ Paramedic Response ☐ Transported to Hospital ☐ Hospital /Medic Unit: _____ ☐ Medical Release Signed by Suspect? ☐ Is Suspect Pregnant?	
VICTIM - SUBSTANCE ABUSE Possible influence of: ☐ Alcohol ☐ Drugs ☐ Both ☐ None Symptoms observed: ☐ Slurred Speech ☐ Unsteady Gait ☐ Alcohol on Breath ☐ Other: _____		SUSPECT - SUBSTANCE ABUSE ☐ NOT AT SCENE Possible influence of: ☐ Alcohol ☐ Drugs ☐ Both ☐ None Symptoms observed: ☐ Slurred Speech ☐ Unsteady Gait ☐ Alcohol on Breath ☐ Other: _____	
REMINDERS			
☐ Provide victim incident or crime case number ☐ Provide victim Domestic Violence Resource Guide ☐ Evidence collected including miscellaneous artifacts (e.g., torn clothing, broken objects), audio of incident, video of incident, photos of crime scene, injuries, physical evidence.			

ADDENDUM - I

SAN DIEGO COUNTYWIDE STRANGULATION DOCUMENTATION FORM

VICTIM NAME (Last, First, Middle)	DATE OF BIRTH	M ☐ F ☐	CASE #
SUSPECT NAME (Last, First, Middle)	DATE OF BIRTH	M ☐ F ☐	

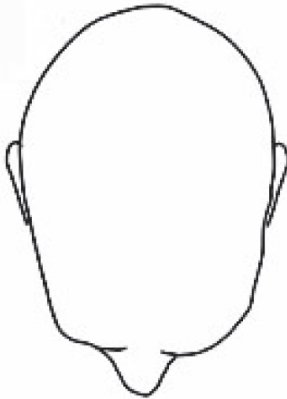
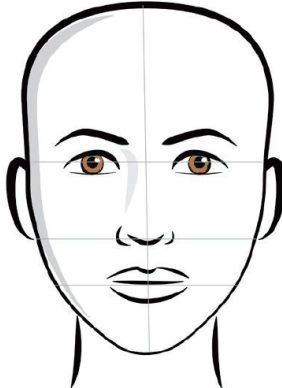
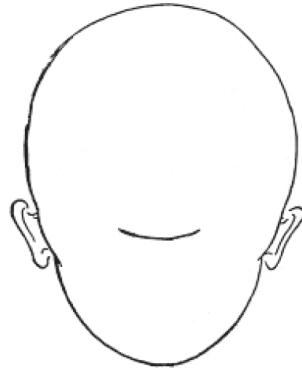
STRANGULATION EVENT QUESTIONS

- What did suspect use to strangle you? ☐ Left Hand ☐ Right Hand ☐ Two Hands ☐ Forearm ☐ Knee/Foot
☐ Other Object(s): _____
☐ Describe manner/method in detail in narrative. _____
- Estimate how long strangulation lasted: _____ Minute(s) _____ Second(s) Multiple Times: ☐ Yes # _____ ☐ No
- Estimate the amount of force suspect used to strangle: (1 = weak, 10 = very strong): ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10
- Describe suspect's emotional demeanor while strangling you: _____
- Describe the suspect's face/expression during strangulation: _____
- What did suspect say while strangling you? _____
- What else did suspect do while strangling you? _____
- Were you able to speak during the strangulation? ☐ Yes ☐ No If yes, what did you say? _____
- Did you do anything to attempt to physically stop the strangulation? ☐ Yes ☐ No Describe: _____
- What made the suspect stop? _____
- What did you think during the strangulation? _____
- Has suspect strangled you on other occasions? ☐ Yes ☐ No If yes, # of occasions: _____ When: _____

SYMPTOMS EXPERIENCED BY VICTIM									
SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER	
Vision Changes: Tunnel	☐	☐	Coughing Blood	☐	☐	Hoarse Voice	☐	☐	
Vision Changes: Spots	☐	☐	Nausea	☐	☐	Loss of Voice	☐	☐	
Hearing Loss/Changes	☐	☐	Vomit/Dry Heaving	☐	☐	Whisper Voice	☐	☐	
Loss of Consciousness	☐	☐	Dizziness	☐	☐	Neck Pain/Tender	☐	☐	
Unable to Breathe	☐	☐	Headache	☐	☐	Trouble Swallowing	☐	☐	
Difficulty Breathe	☐	☐	Feel Faint	☐	☐	Pain Swallowing	☐	☐	
Rapid Breathing	☐	☐	Disorientation	☐	☐	Sore Throat	☐	☐	
Pain While Breathing	☐	☐	Memory Loss	☐	☐	Urinate	☐	☐	
Shallow Breathing	☐	☐	Painful to Speak	☐	☐	Defecate	☐	☐	
Coughing	☐	☐	Raspy Voice	☐	☐	Other:	☐	☐	

OFFICER OBSERVED INJURIES

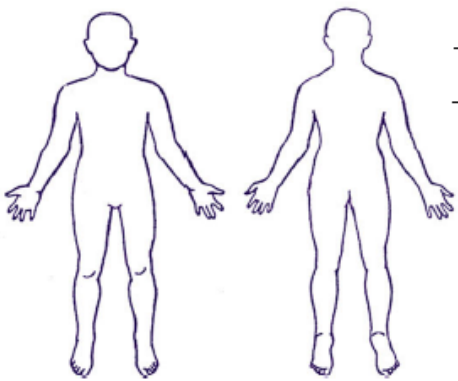
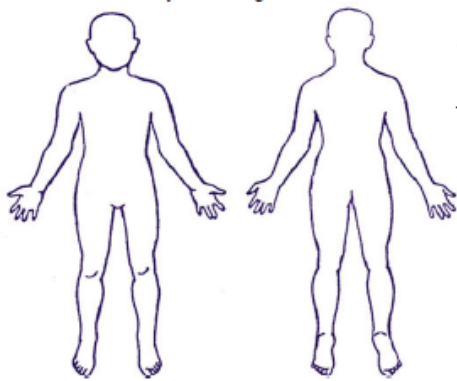
FACE	EYES	NOSE	MOUTH
☐ Skin Red/Flushed ☐ Red Spots (e.g. petechiae) ☐ Scratches or Abrasions ☐ Swelling ☐ Bruising ☐ Other:	☐ Red Eye ☐ Left ☐ Right ☐ Red Spots in Eye ☐ Left ☐ Right ☐ Red Spots on Eyelid ☐ Left ☐ Right ☐ Blood in Eyeball ☐ Eyelid(s) drooping ☐ Other:	☐ Redness ☐ Red spots (i.e. petechiae) ☐ Scratches or Abrasions ☐ Swelling ☐ Bleeding ☐ Other:	☐ Swollen Lips ☐ Swollen Tongue ☐ Bruise(s) ☐ Scratches or Abrasions ☐ Red Spots in Palate or Gums, Etc. ☐ Other:
EARS	UNDER CHIN	NECK	SHOULDERS
☐ Redness ☐ Red spots (i.e. petechiae) ☐ Bleeding ☐ Bruising or Discoloration ☐ Swelling ☐ Red Spots Behind Ear(s) ☐ Bruising Behind Ear(s) ☐ Other:	☐ Redness ☐ Scratches or Abrasions ☐ Lacerations ☐ Bruises ☐ Linear Marks (e.g. fingernail marks) ☐ Other:	☐ Redness ☐ Scratches or Abrasions ☐ Bruises ☐ Linear Marks (e.g. fingernail marks) ☐ Ligature Marks ☐ Red Spots (e.g. petechiae) ☐ Swelling ☐ Other:	☐ Redness ☐ Scratches or Abrasions ☐ Lacerations ☐ Bruises ☐ Other:
HANDS, FINGERS, ARMS	HEAD	CHEST	
☐ Redness ☐ Bruising ☐ Swelling ☐ Scratches or Abrasions ☐ Broken Fingernails ☐ Other:	☐ Lumps/Bumps ☐ Lacerations ☐ Scratches or Abrasions ☐ Hair missing ☐ Red Spots on Scalp (e.g. petechiae) ☐ Other:	☐ Redness ☐ Scratches or Abrasions ☐ Lacerations ☐ Bruises ☐ Linear Marks (e.g. fingernail marks) ☐ Other:	

BODY DIAGRAMS <i>Draw all injuries observed</i>		
Top of Head 	Front 	Neck & Chin 
Left Side 	Right Side 	Back of Head 

OFFICER CHECKLIST
☐ Photograph all injuries and physical evidence. ☐ If strangulation was done using an object, photograph and collect the object. ☐ Document where all evidence items were found. ☐ Determine if jewelry was worn by either party during the incident. If so, photograph it and, when feasible, look for pattern injuries. ☐ If defecation or urination in clothing, collect the clothing as evidence. ☐ If victim vomited, take photos of the vomit. ☐ Consider contacting duty detective. ☐ Take photographs of BOTH parties to document injuries and/or lack of injuries. Include hands, arms, face, chest, neck and all other areas the parties claim injury or physical contact occurred. ☐ Obtain evidence from hospital, if available, or follow-up to retrieve.

ADDENDUM – J

SAN DIEGO COUNTYWIDE ELDER AND DEPENDENT ADULT ABUSE SUPPLEMENTAL

CASE #:		Reporting Officer & ID#:	
PRIMARY VICTIM ☐ Elder (65 years and older) ☐ Dependent adult (18-64 years) <i>*Dependent adult has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age.</i>		RELATIONSHIP OF SUSPECT TO VICTIM <i>*If Domestic Violence, use DV Supplemental form</i> ☐ Adult child of victim ☐ Minor child of victim ☐ Other family member ☐ Caregiver/care custodian (not related by blood or family) ☐ Friend ☐ Acquaintance ☐ Stranger ☐ Self ☐ Other	
VICTIM		SUSPECT	
VICTIM NAME (Last, First, Middle)		SUSPECT NAME (Last, First, Middle)	
DATE OF BIRTH:	M ☐ F ☐	DATE OF BIRTH:	M ☐ F ☐
EMOTIONAL DEemeanor UPON ARRIVAL ☐ Upset ☐ Crying ☐ Fearful ☐ Calm ☐ Angry ☐ Nervous ☐ Not at Scene ☐ Flat Affect		EMOTIONAL DEemeanor UPON ARRIVAL ☐ Upset ☐ Crying ☐ Fearful ☐ Calm ☐ Angry ☐ Nervous ☐ Not at Scene ☐ Flat Affect	
Reported Types of Abuse (Check all that apply) Physical: ☐ Assault ☐ Battery ☐ Constraint ☐ Sexual ☐ Restraint ☐ Chemical ☐ Medication (over or under dosing) ☐ Other Neglect: ☐ General: Malnutrition/clothing/shelter ☐ Isolation ☐ Abandonment ☐ Medical ☐ Sexual ☐ Fiduciary ☐ Other Financial: ☐ Theft ☐ Misuse of funds or property ☐ Extortion ☐ Duress ☐ Fraud Mental Suffering: ☐ Verbal assaults ☐ Threats ☐ Fear ☐ Unaddressed mental health challenges ☐ Unaddressed cognitive challenges/crisis Self-Neglect: ☐ General: Malnutrition/clothing/shelter ☐ Unmet medical needs ☐ Unpaid bills ☐ Unkempt ☐ Suicidal ☐ Unaddressed mental health challenges ☐ Unaddressed cognitive challenges/crisis			
INJURIES ☐ Report of pain ☐ Bruise(s) ☐ Abrasion(s) ☐ Head injury ☐ Laceration(s) ☐ Possible broken bones ☐ Soreness ☐ Other: _____ Explain: _____ ☐ No visible or reported injuries ☐ Draw location of injuries in diagram below HT: _____ WT: _____		INJURIES ☐ Report of pain ☐ Bruise(s) ☐ Abrasion(s) ☐ Head injury ☐ Laceration(s) ☐ Possible broken bones ☐ Soreness ☐ Other: _____ Explain: _____ ☐ No visible or reported injuries ☐ Draw location of injuries in diagram below HT: _____ WT: _____	
			

MEDICAL ☐ Death ☐ First Aid Provided Medications and chronic conditions or current diagnoses: _____ List any limitations on activities of daily living: _____ Medical treatment: ☐ None ☐ Declined Medical Aid ☐ Will Seek Own Does Victim have Medical Insurance? ☐ Yes ☐ No ☐ Paramedic Response ☐ Transported to Hospital ☐ Hospital /Medic Unit: _____ ☐ Medical Release Signed by Victim?	MEDICAL ☐ Death ☐ First Aid Provided Medications and chronic conditions or current diagnoses: _____ List any limitations on activities of daily living: _____ Medical treatment: ☐ None ☐ Declined Medical Aid ☐ Will Seek Own Does Suspect have Medical Insurance? ☐ Yes ☐ No ☐ Paramedic Response ☐ Transported to Hospital ☐ Hospital /Medic Unit: _____ ☐ Medical Release Signed by Suspect?
SUBSTANCE ABUSE Possible influence of: ☐ Alcohol ☐ Drugs ☐ Both ☐ None ☐ Symptoms observed: _____ History of Substance Abuse by Victim? ☐ Yes ☐ No Sample Taken By: _____ Requested Preservation (Sample Taken at Hospital): ☐	SUBSTANCE ABUSE Possible influence of: ☐ Alcohol ☐ Drugs ☐ Both ☐ None ☐ Symptoms observed: _____ History of Substance Abuse by Suspect? ☐ Yes ☐ No Sample Taken By: _____ Requested Preservation (Sample Taken at Hospital): ☐
STRANGULATION Did the suspect strangle or "choke" the victim ☐ Yes ☐ No <i>If yes, complete the Countywide Strangulation Documentation Form.</i>	
FIREARMS/DEADLY WEAPONS OWNED/USED/IMPOUNDED Firearm(s)/deadly weapon(s) used during the incident? ☐ Yes ☐ No List/describe weapon(s) used: _____ Does suspect have access to firearms? ☐ Yes ☐ No List/describe: _____ Firearm(s)/deadly weapon(s) impounded per PC 18250? ☐ Yes ☐ No List/describe weapon(s) impounded: _____	
HISTORY OF ABUSE Prior history of abuse/neglect from this suspect? ☐ Yes ☐ No Was this prior abuse/neglect documented by law enforcement? ☐ Yes ☐ No Approximate number of prior incidents: _____ Case Number(s): _____ Investigating Agency(s): _____	
WITNESSES Witnesses present during incident? ☐ Yes ☐ No All witness statements taken? ☐ Yes ☐ No Witness info listed in crime report? ☐ Yes ☐ No <i>Include witness statements in Report</i>	
CROSS REPORT TO ADULT PROTECTIVE SERVICES Peace officers are mandated per 15630 (b)(1) W&I to report suspected elder and dependent abuse and neglect Cross report to APS filed? ☐ Yes ☐ No Adult Protective Services: 800-510-2020	
EVIDENCE COLLECTED Physical Evidence Collected (e.g. torn clothing, broken objects)? ☐ Yes ☐ No Location Collected: ☐ Crime Scene ☐ Hospital ☐ Other: _____ Photographs Taken? ☐ Victim ☐ Suspect Photographs Of: ☐ Crime Scene ☐ Physical Evidence ☐ Witness(es) ☐ Other: _____	
RESTRAINING ORDERS TRO/RO on record? ☐ Yes ☐ No If Yes, Issuing court: _____ ☐ TRO/RO No. _____ Emergency Protective Order Issued? ☐ Yes ☐ No	
VICTIM RESOURCES PROVIDED ☐ Incident or Crime Case Number ☐ Victim Advised of Right to Support Person ☐ If Regional Center client, did you advise the victim to contact their Case Manager or offer to contact Case Manager on victim's behalf? ☐ Elder & Dependent Adult Abuse Resource Guide ☐ Victim Advised of Right to EPO	

ADDENDUM – K



SAN DIEGO REGIONAL GUIDE DOMESTIC VIOLENCE RESOURCES



National Domestic Violence Hotline 1-800-799-SAFE (7233)

DOMESTIC VIOLENCE SERVICES WITH SHELTERS

YWCA of San Diego County (Central) 24/7	619/234-3164
Center for Community Solutions (East County, North County, Coastal) 24/7	888/385-4657
Community Resource Center (North County) 24/7	877/633-1112
Women's Resource Center (North County) 24/7	760/757-3500
SBSC (South County) 24/7	800/640-2933
Interfaith Shelter Network – El Nido (Central)	619/563-9878
Crisis House (East County)	619/444-1194

DOMESTIC VIOLENCE SERVICES & RESOURCES (Partial list)

North County Family Justice Center – One Safe Place	760/290-3690
San Diego Family Justice Center – Your Safe Place	866/933-4673
Palomar Health Forensic Health Services – DV Assault Forensic Exam Program	760/739-2150
Jewish Family Services – Project Sarah	858/637-3210
Southern Indian Health Council	619/445-1188
Indian Health Council	760/749-1410
License to Freedom	619/401-2800
Strong Hearted Native Women's Coalition	760/644-4781
CA Indian Legal Services	760/746-8941
San Diego Volunteer Lawyers	619/235-5656
Rancho Coastal Humane Society - Animal Safehouse Program	760/753-6413
San Diego LGBT Community Center	619/692-2077
North County LGBTQ Resource Center	760/994-1690
Leap to Success	760/710-9510
San Diego City Attorney's Office, Victim Services Coordinators	619/533-5544
SD District Attorney's Office, Victim Assistance Program:	
Central: 619/531-4041, East: 619/441-4538, Juvenile: 858/694-4254, South: 619/498-5650, North: 760/806-4079	

Learn more about DV and local resources www.preventdv1.org (English, Spanish, Arabic)

OTHER HOTLINES (Partial list)

For emergencies you can call or text	911
Access & Crisis Line (24 Hour)	888/724-7240
Children Welfare Services & the Child Abuse Hotline (24 Hour)	800/344-6000
Aging and Independence Services & Adult Protective Services (24 Hour)	800/339-4661
Center for Community Solutions - Sexual Assault Crisis Line (24 Hour)	888/385-4657
National Human Trafficking Hotline (24 Hour)	800/373-7888
Rape, Abuse, Incest National Network (RAINN) Hotline (24 Hour)	800/656- 4673
211 (24 Hour)	211 (cell 800/227-0997)
Meth Hotline	877-662-6384
North County Lifeline	760/726-4900

MILITARY RESOURCES (Partial list)

For referrals for family service and advocacy centers serving Camp Pendleton, MCAS Miramar, MCRD, Naval Base San Diego, NAS North Island, & Sub Base Fleet: Call Military OneSource at 800/342-9647 (24-hour hotline, not confidential). You may call the Family Justice Center Military Liaison 619/533-3592 (confidential).

CHILDREN'S RESOURCES (Partial list)

Child Welfare Services & the Child Abuse Hotline	800/344-6000
District Attorney's Office Child Abduction Unit	619/531-4345
Rady Children's Hospital, Chadwick Center - Trauma Counseling Program (Main Center)	858/966-5803
Rady Children's Hospital, Chadwick Center - Trauma Counseling Program (South)	619/420-5611
Rady Children's Hospital, Chadwick Center - Trauma Counseling Program (North)	760/967-7082, opt 3
Department of Child Support Services	866/901-3212

SAFETY PLANNING

Page 2

Taking time to think about steps to increase your safety and the safety of your children is important, whether you have left, are considering leaving, or are currently in an abusive relationship.

Call (800) 799-SAFE (800-799-7233) to speak with a confidential advocate or to be referred to an agency that specializes in domestic violence or call one of the Domestic Violence Service hotlines listed. The National DV Hotline's website for safety planning ideas and steps for internet safety:

<http://www.thehotline.org/help/path-to-safety/>

JAIL & PRISON NOTIFICATION

Inmates may be released at any time of the day. You may register an email address and/or telephone number(s) with VINE ("Victim Information and Notification Everyday") in order to be notified when an inmate is to be released, is pending release, or when they are to be transferred to a facility in another county or state prison. Call VINE toll-free at (877) 411-5588 or use VINE Link <https://vinelink.com> to register online for this notification. You may also visit "Who's in Jail" to see current custody status <http://apps.sdsheiff.net/wij/wij.aspx>.

DOMESTIC VIOLENCE SHELTERS

There are shelters in San Diego County specifically geared to assisting domestic violence victims. In addition to safe, confidential housing accommodations, most provide such services as case management, support, legal assistance, and counseling. To contact Domestic Violence Services and Shelters, see that section of this Guide for current shelter hotline numbers.

FIREARM SAFETY

Owning or having access to guns greatly increases the risk of harm or even death to those experiencing domestic violence -- including children, other family members, and new partners. Also, perpetrators and victims of domestic violence have an increased risk of dying by suicide with a firearm. Taking certain steps can help protect everyone: (1) storing unloaded guns in a lock-box or gun safe that meets California legal standards <https://oag.ca.gov/firearms/gunsafe>; (2) storing ammunition separately from firearms; (3) transferring guns to another family member or trusted friend through a licensed firearms dealer; (4) asking local law enforcement with help storing or disposing of guns; (5) obtaining a protection order that prohibits the possession of firearms; (6) selling the firearm to a licensed firearms dealer.

SAFE AT HOME - CONFIDENTIAL MAILING ADDRESS

Program participants are provided a confidential mailing address, at no cost, so that may use this instead of their home address. This *mail forwarding program* allows participants to safeguard their address when receiving first-class mail, opening a bank account, completing a confidential name change, filling out government documents, registering to vote, getting a driver's license, enrolling a child in school, and more. You may call toll-free at (877) 322-5227 or visit <http://www.sos.ca.gov/safeathome/applicants-participants.htm> for information and a local enrolling agency.

RESTRAINING ORDERS

You can file for a restraining order at no cost. There are also no cost domestic violence clinics available to assist you in the application process. Due to COVID the services may be offered virtually. For a list of updated TRO Clinics and Family Law Facilitators visit: www.sdcourt.ca.gov and select the "Family" tab and then select "Domestic Violence." You may also visit <https://www.sdsheiff.gov/> for more information on seeking a restraining order.

Items to have available: Address of the person you would like restrained; date of birth for the person you would like restrained; physical description of the person you would like restrained; photographs of any injuries (if applicable); and a copy of the police report(s) if any.



CONDADO DE SAN DIEGO - GUÍA DE RECURSOS ASISTENCIA DE VIOLENCIA DOMÉSTICA



La Línea Nacional sobre Violencia Doméstica 1-800-799-SAFE (7233)
24 horas, Bilingüe y Confidencial

SERVICIOS DE VIOLENCIA DOMÉSTICA CON REFUGIO/ALBERGUE

YWCA del Condado de San Diego (Central) 24/7	619/234-3164
Centro de Soluciones Comunitarias (CCS) - (Este y Norte del Condado, Área Costera) 24/7	888/385-4657
Centro de Recursos Comunitarios (norte del Condado) 24/7	877/633-1112
Centro de Recursos para Mujeres (norte del Condado) 24/7	760/757-3500
SBCS (Sur del Condado) 24/7	800/640-2933
Interfaith Shelter Network – El Nido (Central)	619/563-9878
Crisis House (Este del Condado)	619/444-1194

MÁS SERVICIOS & RECURSOS PARA VIOLENCIA DOMÉSTICA (No es lista completa)

Centro de Justicia Familiar del Norte del Condado – <i>One Safe Place</i>	760/290-3690
Centro de Justicia Familiar de San Diego – <i>Your Safe Place</i>	866/933-4673
Servicios de Salud Forense de Palomar Health	760/739-2150
'Proyecto Sarah'- Jewish Family Services	858/637-3210
Consejo de Salud del Sur para Indios Americanos-Southern Indian Health Council	619/445-1188
Consejo de Salud para Indios Americanos - Indian Health Council	760/749-1410
Licencia a la Libertad - <i>License to Freedom</i>	619/401-2800
Coalición de Mujeres Nativas de Corazón Fuerte-Strong Hearted Native Women's Coalition	760/650-6849
CA Indian Legal Services	760/746-8941
Abogados Voluntarios de San Diego – <i>SDVLP</i>	619/235-5656
Rancho Coastal Humane Society - Programa de casa segura para animales	760/753-6413
El Centro Comunitario LGBTQ de San Diego	619/692-2077
Centro de Recursos LGBTQ del Norte del Condado	760/994-1690
Leap to Success - Programas de Empoderamiento y Liderazgo	760/710-9510
Oficina del Fiscal de la Ciudad de San Diego, Coordinadores de Servicios a Víctimas	619/533-5544
Oficina del Fiscal del Distrito del Condado de San Diego, Programa de Asistencia a las Víctimas:	
Central: 619/531-4041, Este: 619/441-4538, Juvenil: 858/694-4254, Sur: 619/691-4539, Norte: 760/806-4079	

Obtenga más información sobre violencia doméstica y recursos locales en www.preventdv1.org (inglés, español, árabe)

OTRAS LÍNEAS DIRECTAS DE 24 HORAS: (No es lista completa)

Para emergencias puede llamar o enviar un mensaje de texto	911
Línea de Acceso y Crisis en San Diego	888/724-7240
Servicios de Bienestar Para Menores y Línea Directa de Reporte de Abuso a Menores	800/344-6000
Servicios para Adultos Mayores - Independientes/Envejecimiento & Protección para Adultos	800/339-4661
Centro de Soluciones Comunitarias (CCS) – Línea de Crisis de Acoso Sexual	888/385-4657
Línea Nacional Contra la Trata de Personas	800/373-7888
Línea Directa Nacional de Violación, Abuso e Incesto ('RAINN')	800/656-4673
211 (celular 800-227-0997)	211
Línea Directa de Metanfetamina	877-662-6384
North County Lifeline	760/726-4900

RECURSOS PARA MILITARES (no es lista completa)

Para obtener referencias de servicios de familia y los centros de defensa que corresponden a Camp Pendleton, MCAS Miramar, MCRD, NAS North Island y Sub Base Fleet: llame a Military OneSource al 800/342-9647 (24 horas línea telefónica directa, no confidencial). Puede llamar al Enlace Militar del Centro de Justicia Familiar a 619/533-3592 (confidencial).

RECURSOS PARA NIÑOS (No es lista completa)

Servicios de Bienestar Para Menores y Línea Directa de Reporte de Abuso a Menores (24 horas)	800/344-6000
Oficina del Fiscal del Distrito, Unidad de Abducción de Niños	619/531-4345
Rady's, Hospital Infantil, Centro Chadwick -Programa de Trauma y Consejería (Centro Principal)	858/966-5803
Rady's, Hospital Infantil, Centro Chadwick -Programa de Trauma Y Consejería (Sur del Condado)	619/420-5611
Rady's, Hospital Infantil, Centro Chadwick-Programa de Trauma Y Consejería (Norte del Condado)	760/967-7082, opción 3
Departamento de Servicios de Manutención de Niños	866/901-3212

PLANES DE SEGURIDAD

Es importante tomarse el tiempo para pensar en los pasos para aumentar su seguridad y la seguridad de sus hijos, ya sea que haya abandonado, esté considerando abandonar o esté actualmente en una relación abusiva.

Llame al (800) 799-SAFE (800-799-7233) para hablar con un representante confidencial o para ser referida(o) a una agencia que se especializa en la violencia doméstica o llame a las líneas directas de servicios de Violencia Doméstica mencionadas en la parte superior de la Página 1. Visite el sitio web de La Línea Nacional sobre Violencia Doméstica, para obtener ideas de planificación de seguridad y otros pasos para seguridad en Internet: <http://www.thehotline.org/get-help/safety-planning/>

NOTIFICACIÓN DE CÁRCEL Y PRISIÓN

Los presos pueden ser liberados en cualquier momento del día. Usted puede registrar una dirección de correo electrónico y/o número(s) de teléfono con VINE (Información y Notificación a las Víctimas Todos los Días) para ser informado cuando un preso será liberado, está pendiente a ser liberado, o cuando debe ser transferido a una instalación en otro condado o prisión estatal. Llame a VINE gratis al (877) 411-5588 o visite <https://vinelink.com> para registrarse en línea para recibir esta notificación. También, puede visitar 'Who's in Jail' (Quien está en la cárcel) para ver el estado actual de custodia: <http://apps.sdsheeriff.net/wij/wij.aspx>.

REFUGIOS/ALBERGUES PARA VÍCTIMAS DE VIOLENCIA DOMÉSTICA

Hay albergues en el Condado de San Diego diseñados específicamente para ayudar a las víctimas de violencia doméstica. Además de alojamiento en viviendas seguras y confidenciales, la mayoría brinda servicios como manejo de casos, apoyo, asistencia legal y consejería. Para ponerse en contacto con los Servicios de Violencia Doméstica y Refugios, consulte esa sección de esta Guía para encontrar los números actuales de las líneas directas de refugios.

SEGURIDAD CON LAS ARMAS DE FUEGO

Poseer o tener acceso a armas aumenta en gran medida el riesgo de daño o incluso la muerte de quienes sufren violencia doméstica - incluidos los niños, otros miembros de la familia y nuevas parejas. Además, los perpetradores y víctimas de violencia doméstica tienen un mayor riesgo de morir por suicidio con un arma de fuego. Tomar ciertos pasos puede ayudar a proteger a todos: (1) almacenar armas descargadas en una caja fuerte o caja fuerte para armas que cumpla con los estándares legales de California <https://oag.ca.gov/firearms/gunsafe>; (2) almacenar municiones por separado de las armas de fuego; (3) transferir armas a otro familiar o amigo de confianza a través de un distribuidor autorizado de armas de fuego; (4) pedir ayuda a una agencia del orden público locales para almacenar o deshacerse de las armas; (5) obtener una orden de protección que prohíba la posesión de armas de fuego; (6) vender el arma de fuego a un comerciante autorizado de armas de fuego.

SAFE AT HOME – DIRECCIÓN DE CORREO CONFIDENCIAL

Los participantes de este programa reciben una dirección postal confidencial, sin costo, para que pueda usarla en lugar de su domicilio actual. Este programa de "Mail Forwarding" permite a los participantes proteger su dirección al recibir correo de primera clase, abrir una cuenta bancaria, finalizar un cambio de nombre confidencial, completar documentos gubernamentales, registrarse para votar, obtener una licencia de conducir, inscribir a un niño en la escuela y más. Usted puede llamar gratis al (877) 322-5227 o visitar <http://www.sos.ca.gov/safeathome/applicants-participants.htm> para obtener información y una agencia de inscripción local.

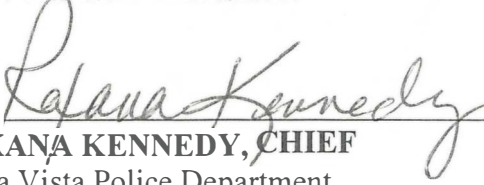
ORDENES DE RESTRICCIÓN

Usted puede solicitar una orden de restricción sin costo alguno. También hay clínicas de violencia doméstica sin costo disponibles para asistirle en el proceso de solicitud. Debido a COVID los servicios pueden ofrecerse virtualmente. Para obtener una lista actualizada de Clínicas 'TRO' y los Facilitadores de Derecho de Familia, visite el sitio web: www.sdcourt.ca.gov y seleccione "Familia" y después seleccione "Violencia Doméstica." También puede visitar <https://www.sdsheeriff.gov/> para obtener más información sobre cómo solicitar una orden de restricción.

Llevar con usted, si tiene disponible: la dirección de la persona que desea restringir, fecha de nacimiento de la persona que desea restringir; la descripción física de la persona que desea restringir; fotografías de las lesiones (si corresponde); y una copia de informe(s) judiciales, si los hubiera.

The Term of Agreement

The parties evidenced by their signatures hereto, agree that this Protocol shall be effective upon approval and shall remain in full force and effect until any party withdraws from participation or revised version is established.


ROXANA KENNEDY, CHIEF
Chula Vista Police Department

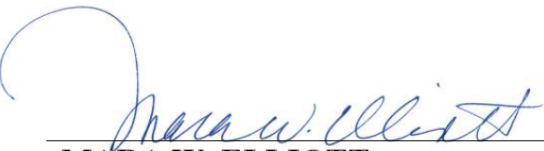
2/22/2023
DATE

On behalf of the following law enforcement agencies:

Carlsbad Police Department
Chula Vista Police Department
Coronado Police Department
El Cajon Police Department
Escondido Police Department
La Mesa Police Department
National City Police Department
Oceanside Police Department
San Diego Harbor Police Department
San Diego Police Department
San Diego Sheriff's Office
California Highway Patrol
UC San Diego Police Department
SDSU University Police Department


SUMMER STEPHAN
San Diego County District Attorney

2-22-23
DATE


MARA W. ELLIOTT
San Diego City Attorney

2/23/2023
DATE


TAMIKA NELSON, CHIEF
San Diego County Probation Department

2/28/23
DATE

ESCONDIDO POLICE DEPARTMENT INSTRUCTION	DATE: 12-09-20	NO: 5.8 LEGAL
TO: ALL PERSONNEL	SUBJECT: LOUD PARTY SERVICE FEE PROCEDURES	
ORIGIN: CHIEF OF POLICE	RETAIN: UNTIL FURTHER NOTICE	

This Instruction supersedes Department Instruction 5.8 Legal, dated February 17, 2017.

I. PURPOSE

To establish guidelines for the reporting/collection of “loud party” fees.

II. INFORMATION

The purpose of this Department Instruction is to create a policy that discourages members of the community from engaging in unreasonably loud, disruptive activities that result in a disturbance of the peace of others, and to create a system of cost recovery for costs expended by the City of Escondido when such events do occur and those responsible do not take appropriate steps to end the disruptive activity.

III. PROCEDURES

The following outlines the responsibilities of the responding officer and the supervisor. In addition to the responding officer filling out the First Response Card and the Disturbance Violation Notice (Second Response), a supervisor will also need to fill out the Disturbance of the Peace Response Billing Form and the Disturbance of the Peace Response Invoice (attached).

A. Responding Officer’s Responsibility

1. When responding to disturbing parties or gatherings, an EPD First Response Card should be completed and given to a responsible person in the following priority (whoever is present):
 - Property owner
 - Person in control of property
 - Host/hostess of party
 - a. Obtain responsible party’s name, date of birth, and phone number.
 - b. Indicate location of violation and date/time of call.
 - c. Advise him/her that if a return call is required, a fee will be assessed for all personnel and equipment costs associated with any recalls. This will also result in the dispersal of the party with the violator(s) subject to arrest and/or citation.

- d. Have responsible party sign the First Response Card. If he/she refuses, indicate “refused” in signature space, and give the responsible party his/her copy.
- e. Advise supervisor of the incident and any return calls.
- f. If no return calls are received during the officer’s tour of duty:
 - (1) Advise oncoming supervisor of first response call. The supervisor shall notify the area officer.
 - (2) Forward Department copy of First Response Card to the oncoming supervisor.
 - (3) If the party concludes or is dispersed without further police contact, discard the First Response Card.
- 2. Should a return call be necessary, issue the responsible party an EPD Disturbance Violation Notice (Second Response).
 - a. Request supervisor’s attendance to verify officers and equipment at the location.
 - b. Complete the EPD Disturbance Violation Notice (Second Response) and obtain signature from responsible party.
 - c. Give the responsible party his/her copy.
 - d. Attach Department copy of the First Response Card to the Department copy of the Disturbance Violation Notice (Second Notice) as well as a copy of both CAD incidents and give to the respective supervisor.

B. Supervisor’s Responsibility

- 1. Respond to the location of the second and any subsequent return calls to the same incident.
- 2. Ensure that EPD Disturbance Violation Notice (Second Notice) is accurately completed.
- 3. Complete Disturbance of the Peace Response Billing Form (attached).
 - a. Enter total minutes and number of officers involved. Total time extended (minutes) equals total minutes of each officer at the scene during the return call, times total number of involved officers.
 - b. In Comments section, include any special equipment or service used and/or provided at the scene.

4. Complete Disturbance of the Peace Response Invoice (attached).
 - a. Compute real cost of the officer's time (current rate) plus any additional fees for special equipment or services.
 - b. Send Disturbance of the Peace Response Invoice to the Police Business Division.

**CITY OF ESCONDIDO
POLICE DEPARTMENT**

DISTURBANCE CALL



**PUBLIC SAFETY SERVICE
FEE**

(FIRST RESPONSE)

**CITY OF ESCONDIDO
POLICE DEPARTMENT
PUBLIC SAFETY FEE**

**FOR DISTURBANCE CALLS
(FIRST RESPONSE)**

Police Officers receive numerous calls involving loud and disruptive parties. Officers are frequently required to respond a second or third time to disperse unruly, disruptive participants. Repeated calls to the same disturbance could leave officers unavailable to perform more important duties that have greater community priority. Therefore, to discourage and minimize the frequency of return disturbance calls to parties, a service fee will be charged to the responsible participant(s).

*EDWARD VARSO
CHIEF OF POLICE*

Incident # _____

– NOTICE –

This NOTICE OF VIOLATION given to

(Name) _____

(D.O.B) _____, at (location) _____

On _____ (Time) _____

(Phone) _____, is the

Result of a loud party and in violation of California Penal Code Section 415 (Disturbance of the Peace). A second police call to this disturbance location will result in a service fee charge to you for all City personnel and equipment costs expended during this second, and any subsequent, return(s) to this location. This will also result in the dispersal of the party with the violator(s) subject to arrest and/or citation.

Responsible Party's Signature

Officer's Signature Print Name and ID #

White Copy – Officer

Yellow Copy - Citizen

**CITY OF ESCONDIDO
POLICE DEPARTMENT**

DISTURBANCE CALL



**PUBLIC SAFETY SERVICE
FEE**

DISTURBANCE VIOLATION

– NOTICE –

(SECOND RESPONSE)

**CITY OF ESCONDIDO
POLICE DEPARTMENT
DISTURBANCE VIOLATION**

(SECOND RESPONSE)

This NOTICE OF VIOLATION DOES NOT constitute an arrest. It has been issued to you as a result of a disturbance in violation of California Penal Section 415 (Loud and Unreasonable Noise). You were previously admonished that any additional Police response to your location would result in a service fee charge for all personnel and equipment expenses related to this call. As a result, you will now be billed by the City of Escondido for all the costs described above.

*EDWARD VARSO
CHIEF OF POLICE*

Incident/Case # _____

INITIAL CALL

Date

Time

RETURN CALL

Date

Time

RESPONSIBLE PARTY

Date

Time

First

Middle

Last

D.O.B.

Home Phone

CDL #

Cell Phone

Height

Weight

Hair

Eyes

Residence Address

City

Zip

Location of Violation(s)

Signature of Responsible Party

Signature of Officer

Print Name and ID #

Supervisor at Scene

Print Name and ID #

Comments: _____

Case No. _____

Page 1 of 2

**ESCONDIDO POLICE DEPARTMENT
Disturbance of the Peace Response Billing Form**

Location of Violation: _____
Date: _____ Time: _____ Handling Officer: _____

POLICE PERSONNEL, EQUIPMENT, AND TIME SPENT AT SCENE

Number of Personnel Present: _____
Total Time in Minutes Spent at Scene: _____
Total Number of Minutes x 3.67: _____

Officer Injured: ☐ Yes ☐ No Officer's Name: _____
Equipment Damage: ☐ Yes ☐ No Unit #: _____ City #: _____
Injury/Cost(s): _____
Additional Equipment: _____
Explanation/Synopsis: _____

Supervisory Administrative Report Written: ☐ Yes ☐ No
Report Written By: _____
Comments: _____

Case No. _____

Page 2 of 2

ESCONDIDO POLICE DEPARTMENT
Disturbance of the Peace Response Invoice

RESPONSIBLE PARTY INFORMATION (person to be billed)			
Name: _____	Phone: H) _____	_____	
Address: _____	W) _____	_____	
City: _____	State: _____	Zip Code: _____	_____
Business Address: _____			
☐ Property Owner ☐ Party Host ☐ Responsible Person			

Supervisor Preparing Report: _____		
Date: _____	Time: _____	Team: _____

**** FOR ADMINISTRATIVE USE ONLY **** (for use by support/administrative units only)							
<table border="1"><thead><tr><th colspan="2">RATE BREAKDOWN</th></tr></thead><tbody><tr><td>Hourly Rate of Pay</td><td>\$220.20</td></tr><tr><td>Rate of Pay Per Minute</td><td>\$ 3.67</td></tr></tbody></table>		RATE BREAKDOWN		Hourly Rate of Pay	\$220.20	Rate of Pay Per Minute	\$ 3.67
RATE BREAKDOWN							
Hourly Rate of Pay	\$220.20						
Rate of Pay Per Minute	\$ 3.67						
** COSTS ** Personnel Costs..... \$ _____ Materials Used \$ _____ Equipment Damage \$ _____ Personnel Injuries \$ _____ Total Costs \$ _____							

ACTION TAKEN	
☐ Bill Sent	Date: _____ By: _____
☐ Bill Not Sent	Reason: _____
☐ Payment Received	Date: _____ Check No. _____