This Policy Manual of the California State University, Bakersfield Police Department is Published in accordance with authorities outlined in the California Education Code Section 89605 and Penal Code section 830.2(d). This manual provides governing Principles for the operation and direction of the University Police Department and guidance for sworn members. All members of the California State University, Bakersfield Police Department must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing. It is important that members of the department have clear advice and counsel available to assist them in performing their duties consistent with these standards. It should be understood that rules and regulations cannot be established to address all situations that may be encountered by members in the general discharge of their duties. Therefore, each individual employee is expected to, at all times, adhere to the spirit and letter of each rule and/or regulation where applicable, and in all other instances employ good judgment and sound discretion. Members will never allow personal feelings, animosities or friendships to influence official conduct. Laws, policies, rules and regulations will be enforced appropriately and courteously and, in carrying out their responsibilities, members will strive to obtain maximum cooperation from the public. All members will treat the public equally with courtesy, consideration and dignity. This manual will be reviewed annually and updated as necessary to insure it remains in compliance with State and Federal laws as well as collective bargaining agreements and the California State University System Wide Guidelines. The Chief of Police reserves the right to temporarily or permanently amend, revoke, or make additional rules and regulations as circumstances dictate and/or when such actions are in the best interest of the University and Community.

Martin Williamson

Chief of Police
LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

We are committed to working in partnership with our community to provide the highest level of safety, service, and preparedness. We are the University's resource for a peaceful learning environment.
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Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

100.1 PURPOSE AND SCOPE
Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS
Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.2. The authority of any such peace officer extends to any place in the State of California, as follows:

(a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or

(b) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or

(c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer’s presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

100.2.1 AUTHORITY AND JURISDICTION
The authority of Police departments within the California State University is established under Division 8, Chapter 5, Article 3, of Section 89560 of the California Education Code, which states: "The trustees may appoint one or more persons to constitute a police department for the headquarters and for each campus of the California State University. Persons employed and compensated as members of a California State University Police Department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their authority except:

(a) At the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or property owned, operated, controlled, or administrated by the California State University, or by Trustees or the State on behalf of the California State University, and

(b) As provided in Penal Code Section 830.2(c).
Law Enforcement Authority

California Penal Code Section 830.2(c) states that the following persons are peace officers whose authority extends to any place in the state. "A member of the California State University Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code."

Jurisdictional Agreements: Senate Bill 1729 created an addendum to Section 67381 of the Education Code known as the Kristin Smart Campus Safety Act of 1998. The legislation requires local law enforcement agencies and police departments within the California State University to enter into a written agreement that delineates which law enforcement agency has operational responsibility for the investigation of Part I violent crimes and delineates the specific geographical boundaries of each agency's operational responsibility.

100.2.2 DEPARTMENT NAME
The official name of the Department shall be "The California State University, Bakersfield Police Department".

For brevity, the California State University, Bakersfield Police Department may be referred to as the Bakersfield University Police Department, or the Department.

100.3 CONSTITUTIONAL REQUIREMENTS
All employees shall observe and comply with every person's clearly established rights under the United States and California Constitutions.
Chief Executive Officer

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS
Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment.
Oath of Office

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

104.1.1 OATH OF OFFICE
Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

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

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

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

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

106.2.1 CHIEF OF POLICE
The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Departmental Directives which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 STAFF
Staff shall consist of the following:

• Chief of Police
• The Lieutenant
• The Sergeants
The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

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

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL
The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

106.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as DD
- Policy Manual sections may be abbreviated as Section 106.X or § 106.X

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

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

**CHP** - The California Highway Patrol.


**State** - The State of CSUB.

**Department/CSUB PD** - The California State University Bakersfield, Police Department.

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

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

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


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

**Member** - Any person who is employed or appointed by the California State University Bakersfield, Police Department including sworn officers, reserve officers, non-sworn employees and volunteers.

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

**Officer/Sworn** - Those employees, regardless of rank, who are sworn employees of the California State University Bakersfield, Police Department.

**On-Duty** - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.
Policy Manual

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

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

Rank - The job classification title held by an officer.

Shall or will - Indicates a mandatory action.

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

USC - United States Code

106.3.3 DISTRIBUTION OF MANUAL

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

- Chief of Police
- Lieutenant
- Administrative Sergeant
- Operations Sergeant
- Officer's Report Room.

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

106.4 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Training Sergeant will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each Lieutenant/Sergeants will ensure that employees under his/her command are aware of any Policy Manual revisions.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

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

200.1.1 ORGANIZATIONAL CHART
The attached Organizational Chart for the University Police Department can only be changed upon the approval of the Chief of Police.

200.2 DIVISIONS
The Chief of Police is responsible for administering and managing the California State University Bakersfield, Police Department. There are two divisions in the Police Department as follows:

- Administration Division
- Operations Division
Organizational Structure and Responsibility

200.2.1 ADMINISTRATION DIVISION
The Administration Division commanded by a Sergeant whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Parking Services, Communications, and Citizen Service Officers.

200.2.2 OPERATIONS DIVISION
The Operations Division commanded by a Sergeant whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Patrol, Training, Traffic and Investigations.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Lieutenant to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Lieutenant
(b) Sergeant

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

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

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

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL
Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 12-01 signifies the first Departmental Directive for the year 2012.

204.2 RESPONSIBILITIES

204.2.1 STAFF
The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

204.2.2 CHIEF OF POLICE
The Chief of Police shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES
All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.
Emergency Management Plan

206.1 PURPOSE AND SCOPE
The University has prepared an Emergency Operations Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ACTIVATING THE EMERGENCY PLAN
The Emergency Operations Plan can be activated on the order of the official designated by the Emergency Operations Plan.

206.3 LOCATION OF MANUALS
The manual for the employees is available on the UPD Web Site. All employees should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

206.4 UPDATING OF MANUALS
The Chief of Police or designee shall review the Emergency Operations Manuel at least once annually to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.
Training Policy

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

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

208.3 OBJECTIVES
The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public
(b) Increase the technical expertise and overall effectiveness of our personnel
(c) Provide for continued professional development of department personnel

208.4 TRAINING PLAN
A training plan will be developed and maintained by assigned personnel. It is the responsibility of the assigned Corporal to maintain, review, and update the training plan on an annual basis. The plan will address the following area:

- Legislative Change
- State Mandated Training
- Critical Issues Training
- Annual training needs assessment

208.5 TRAINING NEEDS ASSESSMENT
The assigned training coordinator will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by the Lieutenant. Upon approval by the Lieutenant, the needs assessment will form the basis for the training plan for the fiscal year.

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

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee's participation.

5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:
   1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
   2. Document his/her absence in a memorandum to his/her supervisor.
   3. Make arrangements through his/her supervisor and the Training Corporal to attend the required training on an alternate date.

208.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the California State University Bakersfield, Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Coordinator.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Coordinator. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.
Electronic Mail

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

212.2 E-MAIL RIGHT OF PRIVACY
All e-mail messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its e-mail system or that is stored on any department system.

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

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

212.3 PROHIBITED USE OF E-MAIL
Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users.

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

212.4 MANAGEMENT OF E-MAIL
Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week.
Administrative Communications

214.1 PURPOSE AND SCOPE
Administrative communications of this department are governed by the following policies.

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

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

214.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police or a Lieutenant.
Staffing Levels

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

216.2 MINIMUM STAFFING LEVELS
General staffing levels should result in the scheduling of at least two officers on duty, excluding the hours of 0300 to 0700.
Retired Officer CCW Endorsements

220.1 PURPOSE AND SCOPE
The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired officers of this department.

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

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

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

220.3 MAINTAINING A CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card, the retired officer shall (Penal Code § 26305):

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

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

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

220.4 CARRYING FIREARMS OUT OF STATE
Subject to 18 USC § 926C and the Firearms and Qualification Policy, qualified retired officers of this department may be authorized to carry a concealed weapon in other states.

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

(a) Photograph of the retiree.

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

(c) Date of retirement.

(d) Name and address of this department.

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

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

220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

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

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

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

(c) The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).
   1. The decision of such hearing board shall be binding on the Department and the retiree.
   2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped No CCW Privilege.

220.6.1 WATCH COMMANDER RESPONSIBILITY

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

(a) Take appropriate steps to promptly look into the matter.

(b) If warranted, contact the retiree in person and advise him/her in writing of the following:
   1. The retiree's CCW endorsement is immediately and temporarily revoked.
   2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
3. The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(c) A current copy of Penal Code § 12027.1 should be attached to the written notice.

(d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Lieutenant should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the Lieutenant may request that a peace officer of that agency act as the Department's agent to deliver the written notification.

(e) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 12027.1 (a)(1)(C).

(f) The Lieutenant should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
Chapter 3 - General Operations
Use of Force

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

300.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE
Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

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

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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

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

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE
When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
(d) The conduct of the involved officer (Penal Code § 835a).
(e) The effects of drugs or alcohol.
(f) The individual’s apparent mental state or capacity (Penal Code § 835a).
(g) The individual’s apparent ability to understand and comply with officer commands (Penal Code § 835a).
Use of Force

(h) Proximity of weapons or dangerous improvised devices.

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

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

(k) Seriousness of the suspected offense or reason for contact with the individual.

(l) Training and experience of the officer.

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

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

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

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

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

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

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.3.4 SUBSECTION REMOVED

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

300.4 DEADLY FORCE APPLICATIONS
If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

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

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

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

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

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

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

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

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

(a) The application caused a visible injury.
(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
(c) The individual subjected to the force complained of injury or continuing pain.
(d) The individual indicates intent to pursue litigation.
(e) Any application of a CED or control device.
(f) Any application of a restraint device other than handcuffs, shackles or belly chains.
(g) The individual subjected to the force was rendered unconscious.
(h) An individual was struck or kicked.
(i) An individual alleges any of the above has occurred.

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

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

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

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

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
   1. The content of the interview should not be summarized or included in any related criminal charges.
   2. The fact that a recorded interview was conducted should be documented in a property or other report.
   3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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

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

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.
   1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
Use of Force

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

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

300.7.1 WATCH COMMANDER RESPONSIBILITY
The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING
Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

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

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

302.1 PURPOSE AND SCOPE
This policy establishes a process for the California State University Bakersfield, Police Department to review the use of force by its employees.

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

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

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

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD
The Administration Lieutenant should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Sergeant
- Non-administrative supervisor
- A peer officer
Deadly Force Review

- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

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

The board shall make one of the following recommended findings:

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

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

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

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

304.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of CEDs.

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

304.3 ISSUANCE AND CARRYING CEDS
Only members who have successfully completed department-approved training may be issued and carry the CED.

The CED shall be worn by all full-time sworn field deployed personnel while in uniform. The CED will not be worn as part of the Class A uniform.

CEDs are issued to all full-time sworn personnel for use during a member's current assignment and remain the property of the Department. Officers shall only use the CED and cartridges that have been issued by the Department. No modifications to the CED or holster are allowed without the prior approval of the Chief of Police. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CED in the driver's compartment of their vehicle as long as it is concealed from plain view.

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

When carried while in uniform officers shall carry the CED on the side opposite of the duty weapon.

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

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

(c) Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.

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

304.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:
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(a) Provide the individual with a reasonable opportunity to voluntarily comply.
(b) Provide other officers and individuals with a warning that the CED may be deployed.

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

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

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

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

(a) The subject is violent or is actively resisting.
(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and presents an immediate threat to harm officers, him/herself or others.

Mere flight from a pursuing officer is not good cause for the use of the CED to apprehend an individual without other known circumstances or factors, such as the knowledge or reasonable belief that the person is armed with a weapon.

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

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

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

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

304.5.3 TARGETING CONSIDERATIONS
Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CED probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

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

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

(a) Whether the probes are making proper contact.
(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CED at a time against a single subject.
304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all CED discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department CEDs while off-duty.

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

304.6 DOCUMENTATION
Officers shall document all CED discharges in the related arrest/crime report and the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges which occur during law enforcement action, pointing the device at a person, laser activation and arcing the device will also be documented on the police report and CED report form.

Unintentional discharges which occur during a non-law enforcement action shall be documented in a memo to the employee's supervisor.

304.6.1 CED FORM
Items that shall be included in the CED report form are:

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

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile CED report forms with recorded activations.

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

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

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

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

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.
(b) The person may be pregnant.
(c) The person reasonably appears to be in need of medical attention.
(d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
(e) The person requests medical treatment.
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Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

304.8 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to all incidents where the CED was activated. A supervisor should review each incident where a person has been exposed to an activation of the CED. The device's on board memory should be downloaded through the data port by authorized personnel and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

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

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

Command staff and part-time officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The employee responsible for training is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training.

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

The Training Sergeant should ensure that all training includes:

(a) A review of this policy.
(b) A review of the Use of Force Policy.
Conducted Energy Device

(c) Performing non-gun-side draws to reduce the possibility of accidentally drawing and firing a firearm.

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

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

(f) De-escalation techniques.

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

304.10 MAINTENANCE AND INVENTORY
The Department shall ensure annual maintenance and inventory of the CED is conducted. Only personnel trained to inspect and maintain the CED shall be designated to do so. At the designated interval, the designee shall complete a memorandum to the Watch Commander in charge of the CED program stating the condition and inventory status of the CED's.
Control Devices and Techniques

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

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

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES
Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

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

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

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

308.4 RESPONSIBILITIES

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

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

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

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

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

for disposition. Damage to State property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5  BATON GUIDELINES

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

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

308.6  TEAR GAS GUIDELINES

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

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

308.7  OLEORESIN CAPSICUM (OC) GUIDELINES

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

308.7.1  OC SPRAY

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

308.7.2  PEPPER PROJECTILE SYSTEMS

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

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

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

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

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

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

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

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

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

308.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.
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310.1 PURPOSE AND SCOPE
The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting and to ensure that such incidents be investigated in a fair and impartial manner.

310.2 INVESTIGATION RESPONSIBILITY
This department conforms to the Officer Involved Shooting Protocol for investigating officer-involved shootings.

310.3 TYPES OF INVESTIGATIONS
Officer-involved shootings involve several separate investigations. The investigations may include:

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

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

310.4.1 CALIFORNIA STATE UNIVERSITY BAKERSFIELD, POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION
The California State University Bakersfield, Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the Bakersfield Police Department.

310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION
The California State University Bakersfield, Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the Bakersfield Police Department. The officer’s employing agency will be responsible for any civil and/or administrative investigation(s).

310.4.3 CALIFORNIA STATE UNIVERSITY BAKERSFIELD, POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION
The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation
Officer-Involved Shooting

Officer-Involved Shooting of the suspect(s) to another agency. The California State University Bakersfield, Police Department will conduct timely civil and/or administrative investigations.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

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

<table>
<thead>
<tr>
<th>CSUB PD Officer in This Jurisdiction</th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSUB PD Investigators or Bakersfield PD</td>
<td>CSUB PD Investigators or Bakersfield PD</td>
<td>Bakersfield PD</td>
<td>CSUB PD Investigators</td>
<td>CSUB PD Investigators</td>
</tr>
<tr>
<td>Allied Agency's Officer in This Jurisdiction</td>
<td>CSUB PD Investigators or Bakersfield PD</td>
<td>Bakersfield PD</td>
<td>Involved Officer's Department</td>
<td>Involved Officer's Department</td>
</tr>
<tr>
<td>CSUB PD Officer in Another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>CSUB PD Investigators</td>
<td>CSUB PD Investigators</td>
</tr>
</tbody>
</table>

310.5 THE INVESTIGATION PROCESS

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

310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).

1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.

(e) Provide all available information to his/her chain of command and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved.

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Officer-Involved Shooting

(g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.

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

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

310.5.2 SERGEANT DUTIES

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

310.5.3 NOTIFICATIONS

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

- Chief of Police
- Lieutenant
- Bakersfield Police Department
- Psychological/Peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Chief of Police.

310.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the CSUB Public Information Officer in the event of inquiries from the media.

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

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

310.5.5 INVOLVED OFFICERS

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

(a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
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(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.

(d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
   1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
   2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

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

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Chief of Police or his/her designee to make schedule adjustments to accommodate such leave.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 INVESTIGATION PERSONNEL
Once notified of an officer-involved shooting, it shall be the responsibility of the Lieutenant or Chief of Police to assign appropriate personnel to handle the investigation of related crimes. Investigators will be assigned to work with investigators from the Bakersfield Police Department and may be assigned to separately handle the investigation of any related crimes not being investigated by the Bakersfield Police Department.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated Sergeant for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the Lieutenant.

310.6.2 CRIMINAL INVESTIGATION
It shall be the policy of this department to utilize the Bakersfield Police Department to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to partner with investigators from the Bakersfield Police Department so as to not duplicate efforts in related criminal investigations.
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Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

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

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.6.3 REPORTS BY INVOLVED OFFICERS

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

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

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

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

310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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

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

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

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

(c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

310.7 ADMINISTRATIVE INVESTIGATION

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

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

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

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g)).

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

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

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview) (Government Code § 3303(g)).

4. The officer shall be informed of all constitutional Miranda rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the
**Officers-Involved Shooting**

Interview will be for administrative purposes only and that the statement cannot be used criminally (The Lybarger or Garrity admonishment).

5. The administrative interview shall be considered part of the officer's confidential personnel file.

6. The administrative investigators shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy.

8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

**310.8 Audio and Video Recordings**

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

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

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or Chancellor's Office's Office as appropriate.
Firearms

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

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

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee’s Lieutenant. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.2.1 DUTY WEAPONS
The authorized departmental issued handgun is the Glock Model 22 .40 SW.

The following additional handguns are approved for on-duty use:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glock</td>
<td>23</td>
<td>.40 SW</td>
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312.2.2 AUTHORIZED SECONDARY FIREARM
Officers desiring to carry a secondary firearm are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department's list of approved firearms.

(b) Only one secondary firearm may be carried at a time.

(c) The purchase of the firearm and ammunition shall be the responsibility of the officer.

(d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.

(e) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Chief of Police shall approve the ammunition.

(g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.
Firearms

(h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Rangemaster.

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

(a) The firearm shall be of good quality and workmanship and approved by the Department.
(b) The purchase of the firearm and ammunition shall be the responsibility of the officer.
(c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
(d) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.
(e) When armed, whether on- or off-duty, officers shall carry their badge and department identification.

312.2.4 AMMUNITION
Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during the officer’s first scheduled qualification each year. Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established policy.

312.2.5 ALCOHOL AND DRUGS
Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the officer’s senses or judgment.

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

312.3.1 SAFETY CONSIDERATIONS
(a) Officers shall not unnecessarily display or handle any firearm.
(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
(c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where cleaning barrels are present.
(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
Firearms

(e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.

(f) Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon from the armory, except with approval of a supervisor.

(g) Any weapon authorized by the department to be carried on- or off-duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

312.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify quarterly or at the direction of the Chief of Police with their duty weapon and secondary weapon on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Coordinator. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

312.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Members who fail to qualify after the third attempt may be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated

(b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained

(c) No range credit will be given for the following

1. Unauthorized range make-up
Firearms

2. Failure to qualify after remedial training

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

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

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

312.6.1 INJURED ANIMALS
With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

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

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

312.8 RANGEMASTER DUTIES
The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after
Firearms

each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-qualification.

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

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

312.9 MAINTENANCE AND REPAIR

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

312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

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

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

312.10 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their Department identification card which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The California State University Bakersfield, Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the California State University Bakersfield, Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
Firearms

(f) It is the officer’s responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier’s check-in counter.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

(a) The officer shall carry his/her Department identification card whenever carrying such weapon.

(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

(c) The officer is not the subject of any current disciplinary action.

(d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.
Vehicle Pursuits

314.1 PURPOSE AND SCOPE
Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

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

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

314.2.1 WHEN TO INITIATE AND/OR CONTINUE A PURSUIT
Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.
Vehicle Pursuits

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

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

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

(f) Pursuing officers familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Availability of other resources such as helicopter assistance.

(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

314.2.2 WHEN TO TERMINATE A PURSUIT

The factors listed in When to Initiate and/or Continue a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate and/or continue a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves.
Vehicle Pursuits

when electing to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in When to Initiate and/or Continue a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) Pursued vehicle’s location is no longer definitely known.

(c) Officer’s pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) There are hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Pursuit is terminated by a supervisor.

314.2.3 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles. However, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.
Vehicle Pursuits

314.3.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit and are required to follow the rules of the road. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.

314.3.2 PRIMARY UNIT RESPONSIBILITIES
The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

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

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

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

314.3.3 SECONDARY UNITS RESPONSIBILITIES
The second officer in the pursuit is responsible for the following:

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
Vehicle Pursuits

(c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely, based on conditions and circumstances, to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

2. Pursuing units should exercise due caution when proceeding through intersections.

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.

2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.

3. Requesting other units to observe exits available to the suspects.

(d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT
There should be no paralleling of the pursuit route. The term paralleling means the deliberate tactic of a vehicle operator to mirror on adjacent streets the direction and speed of vehicles actively involved in an authorized pursuit. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.
Vehicle Pursuits

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

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

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

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

314.3.7 AIRCRAFT ASSISTANCE
When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

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

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

The Supervisor will be responsible for the following:

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

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
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(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Control and manage Department units when a pursuit enters another jurisdiction.

(j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

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

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

314.5 COMMUNICATIONS
If the pursuit is confined within radio range, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should communicate with participating agencies and units per Department radio procedures.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES
Upon notification that a pursuit has been initiated, Communications will:

(a) Coordinate pursuit communications of the involved units and personnel.

(b) Notify and coordinate with other involved or affected agencies as practicable.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Assign an incident number and log all pursuit activities.

(e) Broadcast pursuit updates as well as other pertinent information as necessary.

(f) Notify the Watch Commander as soon as practicable.

314.5.2 LOSS OF PURSUED VEHICLE
When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.
314.6 INTER-JURISDICTIONAL CONSIDERATIONS
When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

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

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

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

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

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

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

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

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

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

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical. The techniques described below may only be used by members of the Department if authorized by the Chief of Police, absent exigent circumstances.

314.7.1 DEFINITIONS

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

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

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

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

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

Spikes or tack strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

314.7.2 USE OF FIREARMS

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

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers after giving consideration to the following:

1. The risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. Other reasonable intervention techniques have failed or reasonably appear ineffective.
3. The target vehicle is stopped or traveling at a low speed.

(b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
Vehicle Pursuits

(d) Pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

314.7.4 CAPTURE OF SUSPECTS
Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspects.

314.8 REPORTING REQUIREMENTS
The following reports shall be completed upon conclusion of all pursuits:

(a) The primary officer should complete appropriate crime/arrest reports.

(b) The Department shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer shall complete as much of the required information on the form as is known and forward the report to his or her supervisor for review and distribution.

(c) After first obtaining the available information, a memorandum, briefly summarizing the pursuit, shall be completed, as assigned by the Chief of Police or designee. This memorandum should minimally contain the following information:
Vehicle Pursuits

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

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

314.8.2 POLICY REVIEW
Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member’s training file.

314.9 APPLICATION OF VEHICLE PURSUIT POLICY
This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.
Officer Response to Calls

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

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

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

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

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

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

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

316.3.1 NUMBER OF UNITS ASSIGNED
Normally, only one unit should respond to an emergency call Code-3 unless a sergeant or the field supervisor authorizes an additional unit(s).

316.4 INITIATING CODE 3 RESPONSE
If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified.
Officer Response to Calls

316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

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

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

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

316.6 COMMUNICATIONS RESPONSIBILITIES

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

(a) Attempt to assign the closest available unit to the location requiring assistance
(b) Immediately notify a sergeant
(c) Confirm the location from which the unit is responding
(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
(f) Control all radio communications during the emergency and coordinate assistance under the direction of a sergeant or field supervisor

316.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated
(b) No more than those units reasonably necessary under the circumstances are involved in the response
(c) Affected outside jurisdictions are being notified as practical

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

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

When making the decision to authorize a Code-3 response, the sergeant or the field supervisor should consider the following:
Officer Response to Calls

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.8 FAILURE OF EMERGENCY EQUIPMENT

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

317.1 PURPOSE AND SCOPE
The University takes comprehensive action regarding the prevention, detection, and prosecution of sex crimes. All reported instances of sexual assault will be taken seriously. In the event of a reported or discovered sexual assault the below listed procedure will be followed:

• Upon notification of possible sexual assault, a dispatcher will promptly assign an officer(s) to respond and assess the situation.
• Once initial responding officer(s) has determined a sexual assault has occurred and notified dispatch, a Corporal will be assigned to the investigation and to provide support to the victim.
• The Corporal can provide information and referrals to on campus resources.
• The on-duty or on-call sergeant will be notified and in turn will notify the Lieutenant and the Chief.
• Supervision will determine if UPD has the resources for a complete investigation of the incident. If the determination is made that UPD does not have the necessary resources, and with approval of the Chief, a request will be made to the Bakersfield Police Department for investigation of the sexual assault.
• Initial responding officer(s) and a Corporal will complete a detailed initial report and necessary supplemental narratives.
• Campus Title IX Coordinator will be notified of the case in a timely manner. Notification shall be in compliance with CSUB Police Policy 810 regarding records release and security and PC 293 regarding the release of victim's information.
• The victim shall be provided with information regarding Marsy's Law and the Alliance against Family Violence and Sexual Assault.
• The UPD will refer the case to Office of Students Rights and Responsibilities to initiate disciplinary action when the suspect is a student when appropriate.
• All Reporting shall be done in accordance with UPD Policy 810 and PC 293.
• The UPD will provide sexual assault prevention training to the campus community and maintain statistical information on sexual assaults.
• Additional information concerning the CSU Bakersfield Sexual Education and Response Policy and Procedures can be obtained at http://www.csub.edu/BAS/policies/
Domestic Violence

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

320.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. including incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
Domestic Violence

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim’s personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Division in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
320.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

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

320.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

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

(b) Document the resolution in a report.

320.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.
(b) Provide the victim with the police department’s domestic violence information handout, even if the incident may not rise to the level of a crime.
(c) Alert the victim to any available victim advocates, shelters and community resources.
(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).
320.6 DISPATCH ASSISTANCE
All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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

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

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

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

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

320.9 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:

320.9.1 STANDARDS FOR ARRESTS
Officers investigating a domestic violence report should consider the following:
Domestic Violence

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person’s arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person’s arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person’s arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender’s child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer’s presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).
Domestic Violence

320.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

320.9.3 PUBLIC ACCESS TO POLICY

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

320.9.4 REPORTS AND RECORDS

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

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

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 33800; Family Code § 6389(c)(2)).
Domestic Violence

320.9.5 RECORD-KEEPING AND DATA COLLECTION
This police department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the CSU, Bakersfield Police Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Specialist to maintain and report this information as required.

320.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE
If a defendant is arrested without a warrant for a bailable felony offense or for the misdemeanor offense of violating a domestic violence restraining order, and a peace officer has reasonable cause to believe that the amount of bail set forth in the schedule of bail for that offense is insufficient to ensure the defendant’s appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence, the peace officer shall prepare a declaration under penalty of perjury setting forth the facts and circumstances in support of his or her belief, requesting an order setting a higher bail.
Field Contacts

321.1 PURPOSE AND SCOPE
The Department will treat the members of the community in strict obedience to the rights against unreasonable search and seizure as guaranteed under the Constitution of the United State of America and of the laws of the State of California. Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in field contact situations.

321.1.1 FIELD CONTACTS
A contact with any member of the public may be classified as a consensual contact, detention, or an arrest.

321.1.2 CONSENSUAL CONTACTS
A consensual contact is a contact between an officer and an individual which is strictly voluntary. The key element is that the person remains totally free to leave or not cooperate. examples of consensual contacts include members inquiring about identity, requesting identification or running a warrant check on the subject contacted.

321.1.3 CONSENT SEARCHES
A member of this department shall not conduct a search during a consensual contact unless the member receives voluntary consent from the person to be searched. Voluntary consent means the person has been advised by the officer of the scope or extent of the search, and the person has agreed to the search.

321.1.4 DETentions
The purpose of a detention is to determine whether or not suspicious behavior is lawful or relates to a crime. A detention occurs whenever a member, through some form of physical force or show of authority, compels a person to stay during a field investigation of some potentially criminal act.

321.1.5 REASONABLE FORCE TO EFFECT A DETENTION
A detainee has no right to resist a lawful detention. Members may use reasonable force to affect the detention. Similarly, if a lawful detention or an arrest has begun in a public place, a subject may not escape the detention by running into a private premises. Members may, given due consideration for officer safety, pursue the detainee into the premises under the hot or fresh pursuit doctrine to recapture that person. Consideration shall always be given to officer and public safety, which shall be the primary consideration in determining whether or not to pursue a subject into a private premises.

321.1.6 PHYSICAL RESTRAINT
Members may take such steps as are reasonably necessary to protect their personal safety and to maintain control during the course of the detention. Absent articulable officer safety factors, the application of force such as the use of physical restraints, handcuffs or drawn
Field Contacts

Weapons during a detention situation may constitute custody, raising the detention to an arrest.

321.1.7 FIELD INTERVIEWS

An interview occurs when a person is being asked questions by an officer, specific to an incident or to fill out a Field Interrogation Card. Under current law, members do not have to provide Miranda warnings during an interview of someone who is lawfully detained based on reasonable suspicion, or for a "cite and release" offense, or for inquiries concerning identity made during a detention.
Search and Seizure

322.1 PURPOSE AND SCOPE
Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for California State University Bakersfield, Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY
It is the policy of the California State University Bakersfield, Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES
The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

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

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

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

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

322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.
(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
   1. Another officer or a supervisor should witness the search.
   2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

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

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

324.1 PURPOSE AND SCOPE
This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the California State University Bakersfield, Police Department (42 USC § 5633).

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

324.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
Temporary Custody of Juveniles

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

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

324.2 POLICY

The California State University Bakersfield, Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the California State University Bakersfield, Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the California State University Bakersfield, Police Department:

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

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

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

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed (15 CCR 1142).

324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).
Temporary Custody of Juveniles

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the California State University Bakersfield, Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the California State University Bakersfield, Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the California State University Bakersfield, Police Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d)).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the California State University Bakersfield, Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (42 USC § 5633; Welfare and Institutions Code § 206).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Status offenders shall not be held in secure custody (42 USC § 5633).

324.5 ADVISEMENTS

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

Whenever a juvenile is taken into temporary custody, he/she shall be given the Miranda rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

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

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

324.6 JUVENILE CUSTODY LOGS
Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log (Custody log retrievable at http://www.bdcorr.ca.gov/fsod/minors_lockups/Non-Secure%20Juvenile%20Detention%20Log.pdf), including:

(a) Identifying information about the juvenile being held.
(b) Date and time of arrival and release from the California State University Bakersfield, Police Department (15 CCR 1150).
(c) Watch Commander notification and approval to temporarily hold the juvenile.
(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
(e) Any changes in status.
(f) Time of all safety checks.
(g) Any medical and other screening requested and completed (15 CCR 1142).
(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1(d); 15 CCR 1145).
(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

324.7 NO-CONTACT REQUIREMENTS
Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the California State University Bakersfield, Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

324.8 TEMPORARY CUSTODY REQUIREMENTS
Members and supervisors assigned to monitor or process any juvenile at the California State University Bakersfield, Police Department shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the California State University Bakersfield, Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the California State University Bakersfield, Police Department more than six hours.
(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
(c) Personal safety checks and significant incidents/activities shall be noted on the log.
Temporary Custody of Juveniles

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR 1142).

324.9 USE OF RESTRAINT DEVICES

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

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

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

324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the California State University Bakersfield, Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the California State University Bakersfield, Police Department.
Temporary Custody of Juveniles

324.11 SECURE CUSTODY

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

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

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

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

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

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

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

324.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

324.13 FORMAL BOOKING

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

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

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

(a) The gravity of the offense
(b) The past record of the offender
(c) The age of the offender
Temporary Custody of Juveniles

324.14 RELEASE OF INFORMATION CONCERNING JUVENILES

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

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

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

326.1 PURPOSE AND SCOPE
This policy provides members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adult abuse. It is the policy of the California State University Bakersfield, Police Department to treat reports of adult abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspects.

326.2 DEFINITIONS
Definitions related to this policy include:

Adult Abuse - Any offense or attempted offense involving violence or neglect of adults over the age of 65 or any offense or attempted offense involving a dependent adult victim committed by a caregiver. This also includes any other act that would mandate notification to a social service/licensing agency or law enforcement related to the abuse of an adult (Welfare and Institutions Code § 15610.07; Welfare and Institutions Code § 15610.27; Welfare and Institutions Code § 15610.23).

Dependent Adult - Any person residing in this state, between 18 and 64 years of age, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

326.3 MANDATORY NOTIFICATION
Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630.

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05; Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

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

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
Elder Abuse

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman.

(c) The State Department of Public Health shall be notified of all known or suspected abuse occurring in a long-term facility.

(d) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(e) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services.

(g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.

(h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

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

326.4 OFFICER'S RESPONSE

All incidents involving actual or suspected adult abuse shall be fully investigated and appropriately documented.

326.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of suspected adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

326.4.2 STABILIZE THE SITUATION

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider taking the following actions:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.
Elder Abuse

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.

(d) Make on-scene arrests when appropriate. Officers may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code § 836).

If an arrest is not otherwise required by law, officers should consider the consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly or dependent adult victim. The present and future safety of the victim is of utmost importance.

326.4.3 SUPPORT PERSONNEL
The following persons should be considered for notification if it appears an in-depth investigation is appropriate:

- Patrol supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility, to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

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

326.5 ADULT ABUSE REPORTING
Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.
Elder Abuse

Discriminatory Harassment

328.1 PURPOSE AND SCOPE
This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

328.2 POLICY
The California State University Bakersfield, Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

Refer to CSU Bakersfield's Office of Human Services for further information concerning discrimination and harassment.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION
The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

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

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

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

328.3.2 SEXUAL HARASSMENT
The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.
Discriminatory Harassment

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and the Department of Fair Employment and Housing guidelines.

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with State or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

328.4 RESPONSIBILITIES

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

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

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

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

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

Refer to CSU Bakersfield's Office of Human Services for further information concerning supervisor responsibilities.

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
Discriminatory Harassment

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure that their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police or Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

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

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

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

328.5.2 FORMAL INVESTIGATION

Assure compliance with CSU Bakersfield's Office of Human Services Policy and procedures.

Discriminatory Harassment - 100
Discriminatory Harassment

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

All complaints will be forwarded to the California State University Bakersfield Human Resources division. The Human Resource division will decide the nature, scope and type of investigation to be conducted. If the Human Resource division asks for assistance from the UPD, the Chief of Police will decide the type and amount of assistance to be provided.

All Complaints will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency dates of occurrences and names of any witnesses.

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

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

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

328.6 NOTIFICATION OF DISPOSITION

The notification of dispositions will be provided by the CSU Bakersfield Human Resources Office or their designee.

328.7 DOCUMENTATION OF COMPLAINTS

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

- Approved by the Chief of Police, the Vice President or the Director of Human Resources if more appropriate
- Maintained for the period established in the department's records retention schedule

328.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

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

328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Resources or the Vice President, or they may contact the California Department of Fair Employment and Housing.
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330.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when California State University Bakersfield, Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

330.1.1 DEFINITIONS
Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

330.2 POLICY
The California State University Bakersfield, Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

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

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

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

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

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

330.3.1 NOTIFICATION PROCEDURE

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

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

(c) If in the event a member of this department is a fulfilling their duties as a mandated reporter and not as the investigating agency the mandated reporter shall complete the child abuse report form and submit it to the investigating agency. Refer to http://ag.ca.gov/childabuse/pdf/ss_8572.pdf for the report.

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.
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(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

330.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

330.6 PROTECTIVE CUSTODY

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

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

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

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

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.

2. The child is in immediate danger of physical or sexual abuse.

3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child’s health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
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(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.

2. There is no lawful custodian available to take custody of the child.

3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.

4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or Penal Code § 278.5.

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

**330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW**

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

**330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS**

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

**330.7 INTERVIEWS**

**330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

**330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.

2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
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3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

330.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and long-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Operations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Operations Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

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

330.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:

330.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Release of Records and Information Policy (Penal Code 841.5; Penal Code § 11167.5).

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

330.10.3 CACI HEARING OFFICER
The Operations Division supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

330.10.4 CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports
(b) Statements by investigators
(c) Statements from representatives of the District Attorney's Office
(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.
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The findings of the hearing officer shall be considered final and binding.

330.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation (Penal Code § 11174.32).

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting forensic interviews.
(c) Availability of therapy services for children and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to child abuse investigations.
(f) Availability of victim advocate or guardian ad litem support.
332.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

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

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

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

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

332.2 POLICY
The Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

332.3 REQUIRED FORMS AND DNA COLLECTION KITS
The Department should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing Person Investigation Checklist, providing investigation guidelines and resources available in the early hours of a missing person investigation (Penal Code § 13519.07)
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- Missing Person School Notification Form
- Medical Records Release Form from the California Department of Justice
- California DOJ missing person forms as appropriate
- DNA Missing Persons Specimen Collection Kits

332.4 ACCEPTANCE OF REPORTS

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

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

332.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO shall be broadcast without delay within the Department’s jurisdiction (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks within two hours of the time of the initial report.

Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(f) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
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3. Any documents that may assist in the investigation, such as court orders regarding custody.

4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING
Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

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

(a) Reviewing and approving missing person reports upon receipt.
   1. The reports should be promptly sent to the Records Division.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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

332.6.2 RECORDS DIVISION RESPONSIBILITIES
The receiving member shall:

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

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).
(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s intended or possible destination, if known.

(d) Forward a copy of the report to the Investigations Division.

(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

### 332.7 INVESTIGATIONS DIVISION FOLLOW-UP

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

(a) Shall ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.
   1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
   2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child’s student file, along with contact information if the school receives a call requesting the transfer of the missing child’s files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (42 USC § 5780).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (42 USC § 5780).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California
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DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (42 USC § 5780).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

332.8 WHEN A MISSING PERSON IS FOUND
When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

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

(a) Immediately notify the Attorney General’s Office.

(b) Notification shall be made to any other law enforcement agency that took the initial report within 24 hours.

(c) In the event that a missing person is found alive or dead in less than 24 hours and the local police or sheriff’s department has reason to believe that the person had been abducted, the Department shall submit a report to the National Crime Information Center in a format established by the Attorney General. In the event that a missing person has been found before he or she has been reported missing to the center, the information related to the incident shall be submitted to the center.

(d) The missing person’s school is notified.

332.8.1 UNIDENTIFIED PERSONS
Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.
332.9 CASE CLOSURE
The Watch Commander may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person was a resident of the University or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING
Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:
   1. Assessments and interviews
   2. Use of current resources
   3. Confirming missing status and custody status of minors
   4. Evaluating the need for a heightened response
   5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.
(j) Additional resources and specialized services.
(k) Update procedures for case information and descriptions.
(l) Preserving scenes.
(m) Internet and technology issues (e.g., Internet use, cell phone use).
(n) Media relations.
AMBER Alerts

334.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

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

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the California State University Bakersfield, Police Department should notify their supervisor, Watch Commander or Operations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Lieutenant and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:
(a) Updating alerts
(b) Canceling alerts
(c) Ensuring all appropriate reports are completed
(d) Preparing an after-action evaluation of the investigation to be forwarded to the Lieutenant

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

334.4.1 CRITERIA FOR AMBER ALERT
The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):
(a) Abduction has been determined to have occurred.
AMBER Alerts

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
(c) The victim is in imminent danger of serious injury or death.
(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

334.4.2 PROCEDURE FOR AMBER ALERT
The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:
   1. The child's identity, age and description
   2. Photograph if available
   3. The suspect's identity, age and description, if known
   4. Pertinent vehicle description
   5. Detail regarding location of incident, direction of travel, potential destinations, if known
   6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
   7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
(f) The following resources should be considered as circumstances dictate:
   1. The local FBI office
   2. National Center for Missing and Exploited Children (NCMEC)

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

334.5.1 CRITERIA FOR BLUE ALERTS
All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
AMBER Alerts
(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

334.5.2 PROCEDURE FOR BLUE ALERT
The supervisor in charge should ensure the following:
(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
   1. The license number and/or any other available description or photograph of the vehicle
   2. Photograph, description and/or identification of the suspect
   3. The suspect's identity, age and description, if known
   4. Detail regarding location of incident, direction of travel, potential destinations, if known
   5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
   6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
(d) The following resources should be considered as circumstances dictate:
   1. Entry into the California Law Enforcement Telecommunication System (CLETS)
   2. The FBI local office

334.6 SILVER ALERTS
Silver Alerts® is an emergency notification system for people who are 65 years of age or older and have been reported missing.

334.6.1 CRITERIA FOR SILVER ALERTS
All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):
(a) The missing person is 65 years of age or older.
(b) The department has utilized all available local resources.
(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.
AMBER Alerts

**334.6.2 PROCEDURE FOR SILVER ALERT**

Requests for a Silver Alert shall be made through the California Highway Patrol.

**334.7 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Operations Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The California State University Bakersfield, Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department Emergency Communications Bureau to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Bureau.
Victim and Witness Assistance

336.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY
The California State University Bakersfield, Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the California State University Bakersfield, Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON
The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the California State University Bakersfield, Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 SPECIFIC VICTIM LIAISON DUTIES
The Chief of Police shall designate a crime victim liaison officer as liaison to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by the local victim centers to verify the criminal activity upon which the application for assistance is based. The liaison officer shall carry out the functions required by state law; and devise and implement written procedures to notify and provide the required compensation information. The Release of Records and Information Policy in this manual regarding the release of reports shall be followed in all cases (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36).

336.4 CRIME VICTIMS
Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.5 VICTIM INFORMATION
The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.
(b) Community resources for victims of sexual assault.
Victim and Witness Assistance

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg; Penal Code § 13823.95(a)).

(d) An explanation that no victim of sexual assault shall be required to participate or agree to participate in the criminal justice system, either prior to examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime.

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U-Visa and T-Visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer's name, badge number and any applicable case or incident number.

(l) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

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

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

338.1  PURPOSE AND SCOPE
This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2  DEFINITIONS
Hate crimes - Penal Code § 422.55(a) defines a hate crime as a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

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

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 245).

338.3  PREVENTING AND PREPARING FOR LIKELY HATE CRIMES
While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community, who are likely targets of hate crimes, to form and cooperate with prevention and response networks.
Hate Crimes

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and follow-up as outlined below, including community follow-up.

338.4 Procedure for Investigating Hate Crimes

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

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate

(b) A supervisor should be notified of the circumstances as soon as practical

(c) Once in progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as Hate Crimes and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations

(h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or Chancellor’s Office Penal Code § 136.2 or Civil Code § 52.1 as indicated).

338.4.1 Operations Division Responsibility

If a case is assigned to the Operations Division, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate

(b) Maintain contact with the victim(s) and other involved individuals as needed

(c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023
Hate Crimes

338.5 TRAINING

All members of this department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.
ATTENDANCE

339.1 PURPOSE AND SCOPE
To ensure employees of this department understand their responsibilities of reporting to work.

339.1.1 REPORTING FOR DUTY Employees shall report for duty at the time and place required by assignment or orders, and shall be physically and mentally fit to perform their duties. They shall be in uniform and properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.

339.1.2 TARDINESS Employees shall make every effort to advise their immediate supervisor if they expect or in fact will be late in reporting for duty. Such notice shall be made prior to the scheduled time for reporting for briefing or otherwise reporting for duty. Personnel reporting late shall, prior to assuming their assignment, advise their immediate superior of the reason for such tardiness. Frequent or repeated tardiness or failure to advise prior to the employee’s shift may result in disciplinary action.

339.1.3 ABSENCE FROM DUTY Every employee who fails to appear for duty at the date, time, and place specified for so doing without the consent of competent authority is "absent without leave." Such absences may result in the suspension of such officer.

339.1.4 REPORTING ILLNESS OR INJURY Employees who find that they are unable to report for duty due to illness or injury shall report this fact to their immediate supervisor at least one hour prior to their required reporting time for duty. Notice shall not be made by use of a text message. The supervisor shall indicate such absence to the staff member in charge of the shift time sheets. If the immediate supervisor can not be reached the employee shall report to work to the next person in the chain of command.

339.1.5 FICTIONIOUS ILLNESS OR INJURY REPORTS Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

(a) Refer to Collective Bargaining Unit 8 (Statewide University Police Association-SUPA) agreement, Article 22, for additional information.

339.1.6 INJURIES Employees receiving minor on the job injuries shall report the injury to their immediate superior. The injury shall be noted in a written report and verified by the employee’s immediate supervisor. For injuries caused by and happening during State work, an Employee’s Report of Injury or Employee’s Claim for Worker's Compensation Benefits (Form SCIF 3301), Report of Work Injury/Illness (Form WC1), Employer’s Report of Occupational Injury or Illness (Form WC3067) must be submitted as soon as practical. The CSUB Office of Health and Safety shall be notified and a copy of the injury report will be forwarded as soon as practical.

339.1.8 SERIOUS INJURY Seriously injured employees shall be transported to the nearest hospital capable of treating the injury. Commanding officers shall execute the necessary reports of the incident and forward the same to the Chief of Police. The CSUB Office of Health and Safety shall be notified and a copy of the injury report will be forwarded as soon as practical.
ATTENDANCE

339.1.9 ABSENCE FROM SCHEDULED TRAINING FUNCTIONS All personnel scheduled for training sessions will be expected to attend the session to which they are assigned. Employees who cannot attend because of unforeseen emergency situations shall make other arrangements by giving their Sergeant or Lieutenant at least twenty four hours notice. It shall be the duty of the Sergeant or Lieutenant to verify the reasons given by officers for their absence and to make recommendations as to the type of action which shall be taken.

339.1.10 EMPLOYMENT OUTSIDE OF DEPARTMENT Employees may engage in off duty employment subject to the following limitations:

(a) Such employment shall not interfere with the employee’s employment with the department.

(b) Employees shall submit a written request for off duty employment to the Chief of Police, whose approval must be granted prior to engaging in such employment or business involving the sale or distribution of alcoholic beverages, bail bond agencies, or investigative work for insurance agencies, private guard services, collection agencies or attorneys or any other such position which may create an appearance of impropriety in the eyes of the public.

Approval may be denied or terminated where it appears that the outside employment might:

(a) Render the employee unavailable during an emergency

(b) Physically or mentally exhaust the employee to the point that their performance may be affected

(c) Require that any special consideration be given to scheduling of the employee’s regular duty hours

(d) Bring the department into disrepute or impair the operation or efficiency of the department or employees.
Conduct

340.1  PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all SUPA employees (full- and part-time), reserve officers and volunteers.

340.2  DISCIPLINE POLICY
The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee’s off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3  CONDUCT WHICH MAY RESULT IN DISCIPLINE
The following list of causes for disciplinary action are standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1  ATTENDANCE
(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
(d) Failure to notify the Department within 24 hours of any change in residence address or home phone number.

340.3.2  CONDUCT
(a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
(c) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
Conduct

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline under this policy.

(j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

(l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.3 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

340.3.5 PERFORMANCE

(a) Unauthorized sleeping or loafing during on-duty time or assignments.
Conduct

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, wilful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable
Conduct

Responsible employees are prohibited from any conduct that may impinge upon the Departmental honor, efficiency and safety.

(c) Criminal activity or enterprise, except as specifically directed and authorized by the Department.

(s) Offer or acceptance of a bribe or gratuity.

(t) Misappropriation or misuse of public funds.

(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer’s official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.

(y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(z) Violating any misdemeanor or felony statute.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position or failure to carry out directives.

(ac) Failure to maintain required and current licenses (e.g. driver’s license) and certifications (e.g., first aid).

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

340.3.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

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(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating departmental safety standards or safe working practices.

340.3.7 SECURITY

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

340.3.8 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws

(b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with POBAR and the applicable MOU.

340.4.1 WRITTEN REPRIMANDS

The serving of a written reprimand will be done by the rank of a lieutenant or above. This policy will not prevent the appropriate supervisor from being present during the serving of a written reprimand.

Refer to the applicable bargaining unit agreement for further details.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 LIEUTENANT RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Lieutenant of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Lieutenant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Lieutenant may return the entire investigation to the assigned detective or supervisor for further investigation or action

(b) When forwarding any written recommendation to the Chief of Police, the Lieutenant shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference
Conduct

340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendation and/or may return the file to the Lieutenant for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A separate recommendation of proposed discipline for each charge.

(c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(d) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Skelly notice.
   
   1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

   2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This Skelly response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

(f) Once the employee has completed his/her Skelly response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of
Conduct

Police determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police’s imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee’s personnel file

(b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline

(c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies

(d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment

(e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence

(f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file

(g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police
Department Computer Use

342.1 PURPOSE AND SCOPE
This policy describes the use of department computers, software and systems.

342.1.1 PRIVACY POLICY
Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

342.2 DEFINITIONS
The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the California State University Bakersfield, Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

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

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW
An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or
Department Computer Use

related to the employee’s duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

342.4 AGENCY PROPERTY
All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee’s supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE
Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 INTERNET USE
Internet sites containing information that is not appropriate and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Adult forums and pornography will not be viewed via an employees personal data device, including cellular phones, while on duty.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES
All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

342.7.1 USE OF OTHERS’ COMPUTERS Computers that are assigned to individual members are only for the use of the person assigned. In the case of shared computers,
only members with authorization of the unit supervisor may access, utilize, or modify the shared computer.

342.7.2 ACCESS SECURITY In order to minimize access by unauthorized persons, members of the department shall close all applications and logoff from their assigned computer at the end of their duty shift or when they are going to be away from their computer for extended periods of time. Additionally, members shall not leave confidential documents on their computer screens, which could be read by unauthorized persons. It is prohibited for a member to allow an unauthorized user to access the system at any time or for any reason.

342.7.3 MODIFICATION OF COMPUTER SETTINGS Modifications to computer settings, in general, are to be made only by members who are properly trained to do so, and only following proper approval from the appropriate supervisor.
Report Preparation

344.1 PURPOSE AND SCOPE
Report preparation is a major part of each officer’s job. The purpose of reports is to document sufficient information to refresh the officer’s memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION
It is the primary responsibility of the assigned officer to ensure that all in-custody reports or pertinent investigations are fully prepared before going off duty, or that supervisory approval has been obtained to delay the report before going off duty. The preparing officer must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or a suspect is in custody.

All reports shall be typed in RIMS. Reports may not be handwritten or dictated.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not repress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

344.2 REQUIRED REPORTING
Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING
When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report
(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will still be documented with a report detailing the fact the victim did not desire a report.
(c) In every case where any force is used against any person by police personnel
(d) All incidents involving domestic violence
(e) All arrests

344.2.2 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person
344.2.3 DEATH CASES
Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.
(b) Suicides.
(c) Homicide or suspected homicide.
(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
(e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY STATE PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a State employee. Additionally, reports shall be taken involving damage to State property or State equipment.

344.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose
(b) Attempted suicide
(c) The injury is major/serious, whereas death could result
(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.
Report Preparation

344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California State Department of Health Services of the incident, including the nature of the injury, on a form provided by the state. Forms may be obtained from DHS Epidemiology and Prevention for Injury Control (EPIC) Branch, Tel: (910) 552-9849 (Penal Code § 12088.5).

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable.

344.3.1 GENERAL POLICY OF HANDWRITTEN FORMS
Some incidents and report forms lend themselves to block print rather than typing. Block printing will be used on all forms requiring handwritten documentation (e.g., CHP 180, citations, booking forms, etc.)

Black ink will be used on all booking forms.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should utilize the Report Correction function in RIMS stating the reasons for rejection. The reporting employee should utilize the report correction function in RIMS to make the necessary corrections as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.
News Media Relations

346.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, the Lieutenant and the designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST
In general CSUB Public Affairs will release the requested information. Any media request for information or access to a law enforcement situation shall be referred to the designated CSUB Public Affairs representative, unless directed otherwise by the Chief of police. If the Chief of police directs the release of information the employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS
Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR
News Media Relations

request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through a supervisor. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.
**News Media Relations**

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner’s Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, or The CSUB Public Affairs media Representative. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

**346.4.1 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information (See Policy Manual § 1026)
   1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

(c) Criminal history information

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(e) Information pertaining to pending litigation involving this department

(f) Information obtained in confidence

(g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE
This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS
On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS
Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA
Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee’s course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee’s supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

348.2.2 VALID SUBPOENAS
No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA
(a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The
**Court Appearance And Subpoenas**

subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or a supervisor of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the District Attorney Office of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with California State University Bakersfield, Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not
Court Appearance And Subpoenas

Compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.3.1 PROCEDURE

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

348.3.3 PARTY MUST DEPOSIT FUNDS

The party in the civil action that seeks to subpoena an officer must deposit the statutory fee of $275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

348.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.
Court Appearance And Subpoenas

348.5.2 COURTROOM ATTIRE
Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM
Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE
Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding;
(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
(c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.
Outside Agency Assistance

352.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES
Generally, calls for assistance from other agencies are routed to a supervisor for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance from an outside agency, that officer shall notify a supervisor as soon as practical. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency.

When such assistance is rendered, a case number will be issued to report action taken by California State University Bakersfield, Police Department Personnel. Probation violators temporarily detained by this department will not ordinarily be booked at this department.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES
If assistance is needed from another agency, the employee requesting assistance shall notify a supervisor as soon as practical.

If the event requiring aid is one that can be anticipated, such as a scheduled demonstration predicted on the basis of intelligence information, the Bakersfield Police Department may be notified as soon as is reasonably possible. The Lieutenant or Chief will decide if the coordination will be with another CSU, the CRU team or with the Bakersfield Police Department. If the need for assistance from the Bakersfield Police Department is confirmed the plans will follow the existing LOU agreements between the CSUB Police department and the Bakersfield Police Department.

If an unexpected emergency arises wherein the CSUB Police Department needs assistance immediately or such a situation appears imminent, the CSUB Police Dispatchers will telephone the Bakersfield Police Department Communications Center and request assistance, giving the exact location on campus and as much information as is available.

After assistance has been rendered and the situation has been contained, the Operations Sergeant shall be notified of actions taken.
MIRANDA WARNINGS

355.1 PURPOSE AND SCOPE
The purpose of this policy is to provide officers general legal guidelines when interviewing subjects in custody. The Fifth Amendment to the United States Constitution states that a person "shall not be compelled in any criminal case to be a witness against himself." This privilege may be asserted or claimed in a variety of formal and informal settings and anytime a person's answers to "official questions" might incriminate him in future criminal proceedings. (Murphy (1983) 465 U.S. 420, 426.) Both "custody" and "interrogation" must exist at the same time before you have to worry about the Miranda decision. (Edwards (1981) 451 U.S. 477, 481-482.) "Absent custodial interrogation," Miranda simply does not come into play. (Stansbury (1994) 114 S.Ct. 1526, 1528-1529)

Custody is simple to define and the definition can be found in any Legal Sourcebook on any Department computer. "Custody" exists for Miranda purposes when two requirements are met:

(a) the suspect has been formally arrested or had his freedom restrained to a degree associated with a formal arrest" see Stansbury (1994) 511 U.S. 318 1/2 Beheler (1983) 463 U.S. 1121, 1125 1/2 Krantz (9th Cir.1993) 983 F.2d 961,963 1/2 Esqueda (1993) 17 Cal.App.4th 1450, 1481 1/2 Ochoa (1998) 19 Cal.4th 353, 401 1/2 and


The same principle can be applied to "interrogation," which also can be found in any Department Legal Sourcebook. "Interrogation" is:

(a) any direct or "express" questioning about the crime being investigated 1/2 or

(b) the "functional equivalent" of direct questioning, that is, "any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely [from the suspect's perspective] to elicit an incriminating response from the suspect." (Innis (1980) 446 U.S. 291, 301 1/2 Cunningham (2001) 25 Cal.4th 926, 993 1/2 Bradford (1997) 14 Cal.4th 1005, 1034 1/2 Aguilera (1996) 51 Cal.App.4th 1151, 1161.)

355.2 MIRANDA WARNING While on duty, and when testifying in court, officers shall have in their possession the Department issued Miranda Warning card. The "Warning" and "Waiver" are generally required prior to any questioning in which the arrested person in custody may incriminate himself/herself about the offense for which the person is in custody or before questioning about any offense in which prosecution may be pending against the person being questioned.

(a). The CSU Bakersfield police Department uses the Kern County Sheriff's 710 card as the official Miranda card.

MIRANDA WARNINGS - 146
Registered Offender Information

356.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the California State University Bakersfield, Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

356.2 POLICY
It is the policy of the California State University Bakersfield, Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION
The Operations Division Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.3.1 CONTENTS OF REGISTRATION
The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

356.4 MONITORING OF REGISTERED OFFENDERS
The Operations Division Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
(b) Review of information on the California DOJ website for sex offenders.
(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.
Registered Offender Information

The Operations Division Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to California State University Bakersfield, Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the California State University Bakersfield, Police Department's website.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name
(b) The offender's known aliases
(c) The offender's sex
(d) The offender's race
(e) The offender's physical description
(f) The offender's photograph
(g) The offender's date of birth
(h) Crimes resulting in the registration of the offender under Penal Code § 290
(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
(b) The information is provided as a public service and may not be current or accurate.
(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
Registered Offender Information

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).
Major Incident Notification

358.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY
The California State University Bakersfield, Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION
Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Lieutenant. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent CSUB official
- Arrest of a department employee or prominent CSUB official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

358.4 SUPERVISOR RESPONSIBILITY
The supervisor is responsible for making the appropriate notifications. The supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The supervisor shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone numbers first, and then by cellular phone.

358.4.1 STAFF NOTIFICATION
In the event an incident occurs described in Policy Manual § 358.2, the Chief of Police shall be notified along with the Lieutenant.

358.4.2 TRAFFIC BUREAU NOTIFICATION
In the event of a traffic fatality or major injury, a Sergeant shall be notified who will then contact the appropriate accident investigators from the Bakersfield Police Department. The Sergeant will notify the Lieutenant and Chief of Police.
Major Incident Notification

358.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident. This notification will be made via the Chief of Police.
Death Investigation

360.1 PURPOSE AND SCOPE
The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS
Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). A supervisor shall be notified in all death investigations.

360.2.1 CORONER REQUEST
Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
Death Investigation

(o) In prison or while under sentence. Includes all in-custody and police involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

360.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Bakersfield Police Deparmment Homicide Division shall be notified to respond to the scene for further immediate investigation.
Death Investigation

360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone or teletype with all pertinent information (8 CCR 342(b)).
Identity Theft

362.1 PURPOSE AND SCOPE
Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING
(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
   1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in our jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name pursuant to Penal Code § 530.7. Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to an appropriate officer for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
Private Persons Arrests

364.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS
Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS
Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;
(b) When the person arrested has committed a felony, although not in his or her presence;
(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

364.4 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should
Private Persons Arrests

advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person’s arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the details concerning the arrest will be written in the narrative of the report and the narrative of the field arrest data form.

In addition to the Private Person’s Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
Anti-Reproductive Rights Crimes Reporting

366.1 PURPOSE AND SCOPE
This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

366.2 DEFINITIONS
Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL
(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Lieutenant.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Lieutenant to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).
Limited English Proficiency Services

368.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS
Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the California State University Bakersfield, Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY
It is the policy of the California State University Bakersfield, Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 LEP COORDINATOR
The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Lieutenant or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:
(a) Coordinating and implementing all aspects of the California State University Bakersfield, Police Department's LEP services to LEP individuals.
Limited English Proficiency Services

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

California State University Bakersfield, Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department
Limited English Proficiency Services

will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other State departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.
Limited English Proficiency Services

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other State departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of
Limited English Proficiency Services

Interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The California State University Bakersfield, Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims,
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Witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

368.14 Custodial Interrogations

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. Miranda warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.15 Bookings

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 Complaints

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.
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Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.
Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS
Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

370.2 POLICY
It is the policy of the California State University Bakersfield, Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR
CSU Bakersfield has designated an ADA Coordinator for the campus (28 CFR 35.107). The ADA Coordinator operates under the Office of the President.

In the event there are questions concerning ADA requirements or other concerns the CSU PD may contact the ADA coordinator for direction.

370.4 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably
Hearing Impaired/Disabled Communications

Ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the California State University Bakersfield, Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.
Hearing Impaired/Disabled Communications

370.6 TYPES OF ASSISTANCE AVAILABLE
California State University Bakersfield, Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.7 AUDIO RECORDINGS AND ENLARGED PRINT
The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

370.8 QUALIFIED INTERPRETERS
A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:
(a) Available within a reasonable amount of time but in no event longer than one hour if requested.
(b) Experienced in providing interpretation services related to law enforcement matters.
(c) Familiar with the use of VRS and/or video remote interpreting services.
(d) Certified in either American Sign Language (ASL) or Signed English (SE).
(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES
In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide
Hearing Impaired/Disabled Communications

additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.10 COMMUNITY VOLUNTEERS
Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS
While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING
Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

370.13 FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts
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That may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded
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whenever reasonably possible. See guidance on recording custodial interrogations in the
Investigation and Prosecution Policy.

370.15 ARREST AND BOOKINGS
If an individual with speech or hearing disabilities is arrested, the arresting officer shall use
department-approved procedures to provide a qualified interpreter at the place of arrest
or booking as soon as reasonably practicable, unless the individual indicates that he/she
prefers a different auxiliary aid or service or the officer reasonably determines another
effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert
to the impediments that often exist when communicating with those who are deaf, hard
of hearing, who have impaired speech or vision, are blind, or have other disabilities. In
the interest of the arrestee's health and welfare, the safety and security of the facility and
to protect individual rights, it is important that accurate medical screening and booking
information be obtained. If necessary, members should seek the assistance of a qualified
interpreter whenever there is concern that accurate information cannot be obtained or that
booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing
aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS
The Department shall ensure that individuals with disabilities who wish to file a complaint
regarding members of this department are able to do so. The Department may provide a
qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred
to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel
Complaints Policy. Qualified interpreters used during the investigation of a complaint should
not be members of this Department.

370.17 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department are
important to the ultimate success of more traditional law enforcement duties. This
department will continue to work with community groups, local businesses and
neighborhoods to provide equal access to such programs and services.

370.18 TRAINING
To ensure that all members who may have contact with individuals who are disabled are
properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms
and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training
related to interacting with individuals who have disabilities, including individuals who are
deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may
have contact with such individuals should receive refresher training at least once every
two years thereafter. The Training Sergeant shall maintain records of all training provided,
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and will retain a copy in each member's training file in accordance with established records
retention schedules.

370.18.1 CALL-TAKER TRAINING
Emergency call-takers shall be trained in the use of TTY equipment protocols for
communicating with individuals who are deaf, hard of hearing or who have speech
impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone
emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the
importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations
and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of
TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have
contact with individuals from the public who are deaf, hard of hearing or have impaired
speech. Refresher training should occur every six months.
Mandatory School Employee Reporting

372.1 PURPOSE AND SCOPE
The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code § 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of Health and Safety Code § 11054, or for any of the offenses enumerated in Penal Code § 290 or in subdivision 1 of Penal Code § 291 or Education Code § 44010, the Chief of Police or his/her designee is required to immediately report the arrest as follows:

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER
Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed.

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person.

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER
Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher.
Biological Samples

374.1 PURPOSE AND SCOPE
This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

374.2 POLICY
The California State University Bakersfield, Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.3 PERSONS SUBJECT TO DNA COLLECTION
Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

374.4 PROCEDURE
When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

If the person required to submit the sample is arrested for a felony the biological sample will be collected by the Kern County Sheriff's Office after the booking process.

In the event an employee of the UPD is faced with the collection of a DNA sample the Chief of police will notified and approve or deny the collection based on current law.

374.4.1 COLLECTION
The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.
Biological Samples

374.5 USE OF FORCE TO OBTAIN SAMPLES
If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.
(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
(c) The judge at the person's next court appearance.
(d) The person's attorney.
(e) A chaplain.
(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 VIDEO RECORDING
A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR § 1059).

374.5.2 CELL EXTRCTIONS
If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR § 1059).

374.6 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:

374.6.1 DOCUMENTATION RELATED TO FORCE
Supervisors shall prepare prior written authorization for the use of any force (15 CCR § 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

374.6.2 BLOOD SAMPLES
A blood sample should only be obtained under this policy when:
(a) The California DOJ requests a blood sample and the subject consents, or
(b) A court orders a blood sample following a refusal.
Biological Samples
The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

374.6.3 LITIGATION
The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.
FINGERPRINT EVIDENCE

375.1 PURPOSE AND SCOPE
The University Police Department will gather all evidence related to crimes on campus unless otherwise indicated by a memorandum of understanding or by the Chief of Police.

All fingerprints obtained as evidence will be gathered in approved methods and submitted to the Kern County Sheriff's Office for examination and processing.

375.1.1 PROCESS OF COLLECTING LATENT FINGERPRINT EVIDENCE
The following items should be considered when seizing latent fingerprints at a crime scene.

a. Assure photographs are taken of the location the prints are seized.

b. Assure you indicate on the print card and the police report the exact location the latent print was lifted from.

c. Label latent print card with officers initials, case number and case date.

d. Fill out KCSO Technical Investigations service request form with appropriate information.

e. Attach the service request form to the envelope containing the latent print card and place them in the evidence locker.

f. Notify the property custodian there is a pending service request.
Child Safety Policy

380.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Elder Abuse Policy.

380.2 POLICY
It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The California State University Bakersfield, Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

380.3 PROCEDURES DURING AN ARREST
When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.
(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

380.3.1 AFTER AN ARREST
Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.
Child Safety Policy

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
   1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
   2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(d) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver’s arrest and of the arrangements being made for the care of the arrestee’s dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
   1. Name
   2. Sex
   3. Age
   4. How, where and with whom or which agency the child was placed
Child Safety Policy

(b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL
If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES
Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police’s facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING
The Training Coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).
Service Animals

382.1 PURPOSE AND SCOPE
Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The California State University Bakersfield, Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS
refer to CSU Bakersfield's service animal policy for further details.

382.2.1 USE OF SERVICE ANIMALS
Refer to the CSU Bakersfield service animal policy for details.

382.3 MEMBER RESPONSIBILITIES
Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the California State University Bakersfield, Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.
Service Animals

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Lieutenant

Lieutenant acts as an overall assistant to the Chief of Police in planning, organizing, and directing the work performed by subordinate personnel, and in the absence of the Chief of Police serves as the temporary head of the department.

Operations Sergeant

Under the direction of the Lieutenant, the sergeant is assigned primary responsibility as a working, first line supervisor, in addition to general law enforcement and specialized work assignments performed by police officers and corporals. Work assignments require the use of independent judgment and the ability to provide leadership to others.

The Sergeant reports directly to a Patrol Operations Lieutenant.

Sergeants are Officers In Charge (OIC) and are responsible for the functional operation of the Police Department on an assigned shift.

Sergeants typically perform some or all of the following duties:

(a) Plan, assign, coordinate, and supervise assigned staff on a shift, task force, or unit on a regular basis.

(b) Develop, implement, and enforce campus and department policies, procedures, and regulations, within the assigned area of responsibility.

(c) Provide on the job training, development, and evaluation to assigned staff.

(d) Assume command in the absence of the superior officer.

(e) Participate in the development and implementation of department policies and procedures.

(f) Act as team leader on a particular investigation task force or project. Examples include critical response unit, field training, defensive tactics instruction, crime prevention, and community relations programs.

(g) Assume the role of designated shift supervisor or officer in charge.

(h) Provide specialized training and assume leadership role on special reaction teams.

Corporal
Patrol Function

The Corporal performs a variety of general law enforcement duties. Work assignments typically require corporals to exercise independent judgment and action. In addition to the following, the Corporal may work other assignments as directed by the Chief of Police.

The Corporal reports directly to the Shift Sergeant. Corporals typically perform general law enforcement work that includes all of the following:

(a) Patrol campus buildings and grounds on foot or vehicle
(b) Maintain order
(c) Enforce laws, rules, and regulations
(d) Apprehend and process violators
(e) Initiate police action
(f) Prepare and present oral and written reports
(g) Provide assistance to campus personnel, students, and the public in public safety matters
(h) Serve as the lead or senior member on a campus patrol operation Corporals are distinguished from patrol officers by the regular, ongoing assignments of one or more of the following:

(a) Assignment as a team leader, assistant OIC, or patrol agent responsible for leading a shift and providing direction to officers in the field
(b) Performance of a special assignment on a regular, ongoing basis including, but not limited to investigator/detective, crime prevention specialist, community relations specialist, and field training officer.

Officer

Officers will generally patrol in clearly marked vehicles unless otherwise directed, patrol assigned jurisdictional areas of CSUB, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Officers report directly to their Shift Sergeant or OIC.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions
(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
(c) Calls for service, both routine and emergency in nature
(d) Investigation of both criminal and noncriminal acts
(e) The apprehension of criminal offenders
Patrol Function

(f) Prepare written reports

(g) Testifying in court proceedings

(h) Community Oriented Policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature

(i) The sharing of information between Patrol and other divisions within the Department, as well as other outside governmental agencies

(j) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and Problem Oriented Policing.

(k) Traffic direction and control

(l) Guarding or transporting funds

400.1.2 TERRORISM
It is the goal of the California State University Bakersfield, Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Operations Division Supervisor in a timely fashion. The supervisor will evaluate and forward to the Joint Terrorism Task Force as appropriate.

400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information flow throughout the California State University Bakersfield, Police Department.

400.2.1 REPORTS
A report shall be completed by any patrol officer or staff member who receives the following type of information:

- crimes
- domestic Violence
- missing Persons
- suspicious circumstances or subjects
- hazards
- medical aid/athletics injuries
- traffic collisions
- lost/found properties
- injured/dead kit fox

A report may be completed by any patrol officer or staff member who receives the following type of information
Patrol Function

- student conduct
- any other incident where a report may be needed for documentation

The report will be processed and forwarded to the appropriate officer or area of campus for review or follow-up investigation.

400.2.2 PATROL BRIEFINGS
Supervisors are encouraged to share information as much as possible. All supervisors and/or officers should take the opportunity to share information during daily shift change as time permits.

400.2.3 BULLETIN BOARDS
A bulletin board will be kept in the squad room for display of suspect information, intelligence reports, photographs, training information and legal updates. A bulletin board will be kept in the communications center for display of work schedules and other dispatch related information.

400.2.4 ELECTRONIC MAIL
Briefing information and special assignments may be shared by department e-mail. New Departmental Directives will be e-mailed to members of the department and will be stored and maintained on the department server. All officers and dispatchers will have computer access to Departmental Directives folder stored on the department server.

It is the employees responsibility to read the emails and directives when they have been notified of their existence.

400.2.5 RIMS
Completed reports and daily bulletins are available in RIMS for review by officers and dispatchers.

400.3 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Officers will be familiar with the campus free speech policy.
Patrol Function

400.3.1 CAMPUS LIAISON

The <<college/university>> has designated a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.
Bias-Based Policing

402.1 PURPOSE AND SCOPE
This policy provides guidance to police department members that affirms the Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the police department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS
Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

402.2 POLICY
The Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this Department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED
Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT
Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
Bias-Based Policing

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

402.4 MEMBER RESPONSIBILITIES
Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor.

402.4.1 REASON FOR CONTACT
Officers contacting a person shall be prepared to articulate sufficient reason for the contact, to the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING OF STOPS
Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Department is the primary agency, the Department's officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

402.5 ADMINISTRATION
Each year, the Division Head should review the efforts of the Department to provide fair and objective policing and submit an overview, including public concerns and complaints, to the Chief of Police.

This report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.
Bias-Based Policing

Supervisors should review the report and discuss the results with those they are assigned to supervise.

402.6 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Training Division.

(a) All sworn members of this Department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this Department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this Department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

402.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Internal Affairs Unit and the Records Specialist or authorized designee shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported annually to the DOJ (Penal Code § 13012; Penal Code § 13020).

Supervisors should ensure that data stop reports are provided to the Records Specialist or authorized designee for required annual reporting to the DOJ (Government Code § 12525.5)
Crime And Disaster Scene Integrity

406.1 PURPOSE AND SCOPE
The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still in the area.
(b) Broadcast emergency information, including all requests for additional assistance.
(c) Provide first aid to injured parties if it can be done safely.
(d) Evacuate the location as required.
(e) Secure the inner and outer perimeter if needed.
(f) Protect items of apparent evidentiary value.
(g) Identify potential witnesses.
(h) Start a chronological log noting critical times and personnel allowed access.

406.2.2 EXECUTION OF HEALTH ORDERS
Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

406.3 SEARCHES AT CRIME OR DISASTER SCENES
Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.
Crime And Disaster Scene Integrity

406.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.
Ride-Along Policy

410.1 PURPOSE AND SCOPE
California State University, Bakersfield Police Department will provide certain individuals the opportunity to observe the operation of the department through the Ride-Along Program. Participation in this program is a privilege and a supervisor may terminate an individual's participation at any time for inappropriate behavior on the part of the participant, or for operational requirements of the department. Individuals accepted for this program will only be allowed to observe and will not perform tasks or otherwise involve themselves in any activity, nor will they possess any firearm, weapon, or other device which is used to incapacitate (i.e. pepper spray, mace, etc.). Peace officers as defined by Penal Code Sections 830.1 and 830.2 are exempted from the weapon prohibition.

410.1.1 ELIGIBILITY
(a) Participants in the program must be at least 18 years old and fall under one of the following:
   1. Faculty or staff of California State University, Bakersfield.
   2. Spouse of a member of the department.
   3. Personnel from governmental agencies.
   4. Visiting law enforcement officers.
   5. General public with a reason for participation.

410.1.2 AVAILABILITY
The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG
(a) Department members receiving a program request will:
   1. Ensure a photocopy of a governmental picture identification card of the requestor is attached to the request form.
   2. Forward the request to an approving authority with any pertinent information attached.
      (a) The request may be made verbally if authorized by the approving authority.
(b) The approving authority will:
   1. Review the request to ensure compliance with this policy.
   2. Conduct a check of the requesting individual as outlined in Section 410.2.4.
      (a) Denied requests will be sent back to the department member who received the request and they will notify the requesting individual of the denial.
   3. Notify the requesting individual of the program request approval and schedule the ride-along.
Ride-Along Policy

4. Ensure the program participant completes and signs the appropriate program waiver form prior to participation.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, Chaplains, Reserves, police applicants, and all others with approval of the Chief of Police.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in Policy Manual § 1048, "Police Cadet Program."

410.2.2 SUITABLE ATTIRE

(a) Program participants will adhere to a dress code policy because they have an impact upon the image of the University Police Department. All clothing worn must be clean and in good condition. Supervisors may reject participants that are improperly dressed or they may require that inappropriate apparel items be removed (i.e. jewelry, chains, etc.). The dress code is:

1. Button front shirt with collar. No logos or printed work of any kind.
2. Dress pants. No jeans, baggy pants, shorts.
3. Dress or casual shoes. No sandals or athletic footwear.
4. Jacket or sweaters may be worn but must be free of logos or printed work.
5. No hats.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Chief of Police. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

Requests for this program from individuals other than sworn peace officers as defined in Penal Code Sections 830.1 and 830.2 will require the individuals be checked through C.J.I.S., C.L.E.T.S. Criminal History System to evaluate their suitability for the program. Individuals will not be allowed to participate in the program if they have a criminal history involving any felony, narcotic offenses, crimes of violence, sexual assault or abuse, or any other offense or activity deemed disqualifying by the approving authority.

410.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick
Ride-Along Policy
up the participant at that location. The ride-along may be continued or terminated at this time.

The Sergeants are responsible for maintaining and scheduling ride-alongs.

410.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.
(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
RESPONSE TO MEDICAL CALLS

411.1 PURPOSE AND SCOPE
To establish guidelines for handling calls for medical assistance by all University Police Department personnel and to delineate their responsibilities when responding to injury, illness, and accident calls.

It is the policy of this Department to render aid to the injured in the most expeditious manner possible, utilizing well-intentioned and prudent discretion, when discretion is an option. The extent of discretion utilized shall be in direct proportion to the nature and extent of the injury or illness. The more severe the injury or illness, the less discretion there is available to officers. In all cases the foremost objectives are to preserve life and obtain qualified medical assistance as quickly and as efficiently as possible. The policy recognizes that University Police Department personnel are not trained paramedics or medical doctors.

411.2 PROCEDURE
(a) When a dispatcher receives a call of an injured or ill person, he/she will:
   1. Get the reporting party's name
   2. Get as complete and thorough a description of the victim's condition as is possible under the circumstances (recognizing that the reporting party may not be able to completely or accurately describe the victim's condition and may be making the call under emergency circumstances).
   3. Get the reporting party's telephone number.
   4. Get a complete and thorough explanation of the location (including building and room number or other specific location)
   5. Follow the appropriate procedure depending on whether the injury or illness is of a serious or less than serious nature (see below).

(b) University procedures for the reporting and treating of injuries and illnesses cover two distinct areas:
   1. Serious injury or illness that requires immediate emergency treatment.
   2. Less than serious injury or illness, which does not require treatment on an emergency basis.

(c) On-Campus serious injury/illness medical referrals:
   1. The Dispatcher will ascertain the type of injury or illness and the exact location of the victim.
      (a) If any of the following signs are reported, the dispatcher will immediately advise the Emergency Communications Center (ECC) via the out 9-1-1 line and advise the ECC Dispatcher of the emergency.
         2. Serious Bleeding.
         3. Lack of Consciousness.
RESPONSE TO MEDICAL CALLS

5. Any other conditions which suggest the need for immediate medical attention to prevent further injury or death.

6. Upon request by an Officer.

(b) Immediately dispatch an officer to the scene.

(c) Make entry into RIMS.

(d) The officer(s) dispatched to the scene will:

2.

(a) Make a preliminary assessment of the condition of the victim and render first aid as necessary until the arrival of paramedics.

1. Notify dispatch if emergency medical response should be code 3 (lights and siren).

2. In the event of an emergency situation where the person needs immediate assistance, the Fire Department will respond and notify the ambulance company. Should the officer arrive at the scene and determine that the emergency does not warrant the Fire Department's assistance the officer will notify the dispatcher to cancel the Fire Department.

(b) Update the dispatcher on the condition of the victim so that the dispatcher can advise responding medical units.

(c) Remain with the victim until relieved by competent medical personnel.

(d) On-Campus less than serious injury/illness medical referrals:

1. The dispatcher will ascertain the type of injury or illness and the exact location of the victim(s).

(a) If the injury does not meet the guidelines for a serious injury/illness then:

1. Immediately dispatch an officer to the scene.

(b) Wait for the officer to advise on the condition of the victim and any other action that may need to be taken (i.e., advise Health Center, emergency medical response, etc.).

(c) If the officer will be transporting to the Health Center (see below), notify the Health Center of the situation and the estimated arrival time.

2. The responding officer will:

(a) Make a preliminary assessment of the condition of the victim and render first aid if necessary within the scope of the Officer's training.

(b) Determine if the victim requires the assistance of paramedics or can be transported to the Health Center.

(a) When transporting to the Health Center, the officer will take the subject to the rear "emergency/urgency" entrance of the Health Center, where Health Center personnel will accept care.

(b) Victims of non-serious injuries or illnesses may also be transported to a medical facility, or to a place of their choice if they so request by:

1. An ambulance.

2. A friend or relative in their personal vehicle.
RESPONSE TO MEDICAL CALLS

3. Or the victim may transport him or herself, if capable of doing so without causing further injury.
   (c) If the subject is an employee or visitor, and is able to leave the scene without assistance, the officer may suggest they visit their own physician, health care provider, or local hospital.
   (a) If the victim requests an ambulance or requires paramedics, render first aid as needed and remain with the victim until relieved by competent medical personnel.
   (b) If the victim refuses to be treated or transported to a hospital by an ambulance, ensure an "Against Medical Advice" form is completed by ambulance or fire department staff and that this information is included in the incident report.

(e) Reporting responsibilities
1. A report shall be completed on every incident involving an officer's response to any medical situation on campus and should contain the following information:
   (a) The nature and extent of the injury or illness. This requires a specific and complete description of the injuries (understanding that University Police Department personnel are not trained paramedics or medical doctors).
   (b) What first aid was rendered by the officer.
   (c) What other assistance was obtained (i.e. ambulance, paramedics, etc.).
   (d) If the subject was transported by ambulance and to what hospital were they taken.
   (e) Documentation of completion of an "Against Medical Advice" form by emergency medical response personnel, if one was completed.
   (f) If an injury resulted from an accident, how did the accident occur "include witness statements if there were witnesses, describe surrounding area for any unusual conditions or state that none existed, and take photographs unless specific circumstances warrant not taking photographs.
   (g) Route a copy of all medical reports to Risk Management.

(f) Off campus serious injury or illness:
1. The dispatcher will ascertain the type of injury or illness and the exact location of the victim.
2. The dispatcher will call the ECC (Emergency Communications Center) via the out 9-1-1 line.
3. If an officer is not on scene, call BPD and have an officer respond.
4. Make entry into RIMS.

(g) If a call is received regarding a student off campus with a less than serious injury or illness, the dispatcher will ascertain the type of injury/illness and the victim's exact location. If the injury or illness does not meet the guidelines for a serious injury or illness then:
1. Advise them to call the Health Center, or their own doctor or health care provider, or local hospital.
2. If the Health Center is closed, advise them to call their physician, or health care provider, or local hospital.
RESPONSE TO MEDICAL CALLS

3. Call ECC for emergency medical assistance if they request such service and cannot call themselves.

(h) Should a student call for assistance or with a question after the Health Center is closed:

1. We cannot contact the Health Center personnel after hours.
2. We cannot give medical advice.
3. We cannot give advice on their insurance coverage.
4. Local hospitals or urgent care centers are available, but the caller is to be advised that the University is not financially responsible for any services rendered.
HAZARDOUS MATERIAL RESPONSE

412.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED
A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.1.2 HAZARDOUS MATERIAL LOCATIONS
The CSU Bakersfield campus has several locations on campus that may store hazardous materials. Refer to Risk and Safety for the locations.

412.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver’s manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

412.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Chief of Police. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.
HAZARDOUS MATERIAL RESPONSE

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department or through the CSUB safety and risk management section.
AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

413.1 PURPOSE AND SCOPE

(a) To establish and implement a written policy for use by all University Police personnel who may be called on to assist in responding to a cardiac emergency at California State University, Bakersfield. The purpose of this document is to outline the basic operational functions of AED units located in the University Police Department.

(b) This policy defines the purpose, responsibility and methods by which the University Police Department Personnel may utilize AEDs. This policy/directive also complies with the AUTOMATED EXTERNAL DEFIBRILLATOR Safety Standard Operating Procedure and the California Code of Regulations Title 22, Division 9, Chapter 1.5 which defines AED/First Aid training requirements. All personnel will provide emergency care through the use of an Automated External Defibrillator as outlined in civil code 1714.2;1714.21H:S1799.102. For the purposes of this policy, all AEDs under the control of the University Police Department will be covered by the procedures in this document. These procedures apply to all personnel who utilize AEDs. This program will abide by all Kern County EMS agency policies and procedures related to AED programs.

413.1.1 DEFINITIONS

(a) AED is the acronym used to describe the AUTOMATED EXTERNAL DEFIBRILLATOR. The AEDs in use at California State University, Bakersfield are Cardiac Science G3. Operating instructions and maintenance manuals are available at the University Police Department, and are supplied with each unit in the carrying case.

(b) CPR or Cardiopulmonary Resuscitation training is a prerequisite before an employee can be certified in the operation and use of an AED unit. CPR/AED certification and First Aid training will be obtained by completing an American Red Cross or American Heart Association CPR Health Care Provider training class as outlined in Title 22.

413.1.2 OPERATIONAL RESPONSIBILITIES

(a) Designated AED coordinator

1. Establish an AED policy which includes:
   (a) Instructions and training for proper AED operation.
   (b) Procedures for the selection and use of all equipment.
   (c) Inspection, repair and maintenance of all equipment.
   (d) Prescription for AEDs.

2. Provide and maintain AED equipment suitable for the purpose intended.

3. Ensure accountability for all AED units located at California State University, Bakersfield University Police Department.

4. Report yearly to Kern County EMS regarding usage of AED per protocol and maintain records of those reports.
(b) **Designated AED coordinator**

1. Ensure any personnel operating AED units are familiar with the procedures outlined in this manual.
2. Ensure proper safety procedures regarding AED policy/directive are followed.
3. Bring to the attention of AED Manager any misuse of any AED unit and problems with, or violations of, approved AED procedures.
4. Establish and maintain training program.

(c) **Department Personnel**

1. Utilize AED units according to the procedures outlined in these instructions.
2. Report any unauthorized use or removal of any AED equipment to the on-duty/on-call supervisor.

### 413.1.3 LOCATION OF UNITS

(a) California State University, Bakersfield University Police Department currently has three (3) AED units.

1. One in the University Police Department.
2. Two portable units in the patrol cars.

### 413.1.4 PROCEDURES

(a) **Responding to an Emergency:**

1. Officers are responsible for notifying the dispatcher per department policy to activate EMS system immediately upon recognition of a Medical Emergency.
2. Operation and use of an AED unit is only to be performed by personnel trained and currently certified in its use.
3. Scene safety will be prioritized over medical necessity for AED use. Once appropriate measures are applied to assure scene safety, AED use should then be utilized per current department policy.

(b) **Post Incident**

1. **Notifications**

   (a) Notifications shall be made as soon as practical to the on-duty/on-call supervisor when there is the use of the AED.
   
   1. The on-duty supervisor will ensure the Kern County EMS Layperson Defibrillation Report is completed and forwarded to the AED coordinator.
   2. The AED unit that was used will be secured in an evidence locker until retrieved by the AED Sergeant.
   3. The AED coordinator will contact Cardiac Science, and download the data via the internet back to Cardiac Science.

   (b) **Inspections**

   1. The AED coordinator will maintain a file to denote the date and times of the inspections.
   
   1. An inspection shall be completed by the fifth of every month.
   2. Batteries and electrodes will be checked for expiration dates.
2. Inspections will confirm:
   1. The AED is operational.
   2. Battery level is adequate.
   3. 2 sets of pads are present.
   4. Mask, gloves, razor and 4 by 4 gauze pads are present.

413.1.5 PERSONNEL TRAINING AND RECORD KEEPING

(a) Training Program
   1. All personnel who may be required to perform emergency response or AED use will receive training on the proper usage of AED units, these procedures and any necessary personal protection equipment.
   2. CPR/AED course instruction will be completed by a certified instructor that teaches the AED EMS standard. New employees will be scheduled to attend CPR/AED training as soon as possible.
   3. AED coordinator will keep a roster of employees trained and approved for AED use.

(b) Record Keeping Requirements
   1. Training Records will be maintained in accordance with the requirements stated by the Kern County EMS Agency.
   2. Any use of the AED will be noted on a department report, and County of Kern incident report. These records will be kept by AED coordinator.

413.1.6 EQUIPMENT

(a) The following equipment will be maintained as part of the AED System, and is to be used only for AED emergencies:
   1. Cardiac Science G3 " serial numbers:
      (a) 349129
      (b) 348925
      (c) 349039
   2. First Aid Kit
   3. Pads
Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS
Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY
It is the policy of the California State University Bakersfield, Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION
When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS
Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC 2518(7)(a)(i),
Hostage and Barricade Incidents

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Section 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION
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414.4.2 HOSTAGE SITUATION

414.5 SUPERVISOR RESPONSIBILITIES
Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command, notify the chief of police and assume the role of Incident Commander until properly relieved. With the approval from the chief of police this includes requesting a
Hostage and Barricade Incidents

CRU response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.
(b) Ensure the completion of necessary first responder responsibilities or assignments.
(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
(d) Establish a command post location as resources and circumstances permit.
(e) Designate assistants who can help with intelligence information and documentation of the incident.
(f) If it is practicable to do so, arrange for video documentation of the operation.
(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
(h) Ensure adequate law enforcement coverage for the remainder of the campus during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration and provide a briefing to the Chief of police.
(k) Debrief personnel and review documentation as appropriate.

414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

The Chief of police will decide, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Chief of police authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU. The Chief of police and the CRU Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.
Event Operations

415.1 PURPOSE AND SCOPE
The primary duty of the California State University Police Department is to preserve the peace during events/operations and large disturbances that require a coordinated law enforcement response.

415.2 EVENT/OPERATION

415.2.1 DEFINITION
Event or Operation - Any anticipated or planned event including parades, entertainment/sporting events, funerals, motorcades, or other events that require a coordinated law enforcement response to ensure the safety of the public.

Any event requiring specific assigned personal will have an operational plan written and placed in the appropriate file.

415.2.2 EVENT COORDINATION
The Chief of Police and/or the Lieutenant may designate a sergeant or officer, depending upon the anticipated size of the event, as the Officer In Charge of the event. The OIC will have responsibility and authority for decisions related to the assignment and coordination of resources at the event.

Any out of the ordinary incident shall be reported to the Chief of Police via the chain of command.

415.2.3 POST EVENT REPORT
The OIC shall prepare an after action report for future planning of events and place it in the appropriate file. The report shall identify an overview of the operation, summarize any incidents which occurred during the event, and provide any information that would assist in future operations of a similar nature.
Response to Bomb Calls

416.1 PURPOSE AND SCOPE
These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.1.1 CHECKLIST
In the event of a bomb threat the "CSUB bomb threat call procedures/checklist" can be used to assure appropriate questions are asked and pertinent information is collected. Refer to appendix F.
Response to Bomb Calls

416.3 EXPLOSION/BOMBING INCIDENTS

416.3.1 NOTIFICATIONS

416.3.2 CROWD CONTROL

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY
This procedure shall be followed should a bomb threat call be received at the police facility.
Response to Bomb Calls

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

416.4.2 RESPONSIBILITIES
Mental Illness Commitments

418.1 PURPOSE AND SCOPE
This procedure describes an officer’s duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If an officer believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall transport that person to the designated facility for evaluation and commitment.

418.2 AUTHORITY
Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES
Any officer responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing the following as time and circumstances reasonably permit:

(a) Any available information that might assist in determining the cause and nature of the mental illness or developmental disability.
(b) Conflict resolution and de-escalation techniques.
(c) Language that is appropriate for interacting with a mentally disabled person.
(d) If circumstances permit, alternatives to deadly force.
(e) Any available community resources that can assist in dealing with a mentally disabled individual.

418.3.1 TRANSPORTATION
When transporting any individual for a 5150 commitment, the handling officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel. The officer will escort the patient into the facility and place that person in a designated treatment room as
Mental Illness Commitments

directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the patient.

418.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

418.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the California State University Bakersfield, Police Department before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Any such firearm or other deadly weapon should be confiscated in a manner consistent with current search and seizure law (Welfare and Institutions Code § 8102(a)).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent) (Penal Code § 1524).

For purposes of this section, deadly weapon means any weapon, the possession of which or carrying while concealed, is prohibited by Penal Code § 19100; 21310.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 33800).

The handling officer shall further advise the person of the below described procedure described below for the return of any firearm or other deadly weapon which that has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 19100; 21310.
Mental Illness Commitments

418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

(a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Operations Division which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

418.6 TRAINING

As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.
Cite & Release Policy

420.1 PURPOSE AND SCOPE
Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

420.2 STATUTORY REQUIREMENTS
Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.
(b) A jail release is when a violator is released after being transported to the jail and booked.

420.2.1 DISCRETION TO ARREST
While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the State, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the State should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

420.3 DEPARTMENT PROCEDURE
The following procedure will be followed to comply with this law.

420.3.1 FIELD CITATIONS
In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6 and Penal Code § 1270.1).

420.3.2 JAIL RELEASE
In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail.
Cite & Release Policy

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 420.33.

420.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
   1. The California State University Bakersfield, Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.
   1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
   2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
   3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.

(d) There are one or more outstanding arrest warrants for the person.

(e) The person could not provide satisfactory evidence of personal identification.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.

(j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)
Cite & Release Policy

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

420.3.4 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.33, the Supervisor shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

(a) Previous failure to appear is on record
(b) The person lacks ties to the area, such as a residence, job, or family
(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

420.3.5 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 CITATION RELEASE ON MISDEMEANOR WANTS

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence
(b) The misdemeanor cited in the warrant involves a firearm
(c) The misdemeanor cited in the warrant involves resisting arrest
(d) The misdemeanor cited in the warrant involves giving false information to a peace officer
(e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics
(f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
(g) The person has other ineligible charges pending against him/her
(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
(i) The person refuses to sign the notice to appear
(j) The person cannot provide satisfactory evidence of personal identification
(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this section.

420.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:
Cite & Release Policy

• Misdemeanor traffic violations of the Vehicle Codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Kern County Juvenile Probation Department for review.

420.6 REQUESTING CASE NUMBERS

When handling cases involving a criminal citation release, a case number should be requested. Requesting case numbers for traffic situations or infractions is not necessary and can be documented in the citation function of RIMS. Most Penal Code sections should have a case number assigned to document the incident properly in a report. This section does not preclude an officer from requesting a case number for any type of incident if he/she feels the situation should be documented more thoroughly in a case report.
Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY
The Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

422.3 CLAIMS OF IMMUNITY
If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

422.4 ENFORCEMENT
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:
Foreign Diplomatic and Consular Representatives

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
   1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
   1. Diplomatic-level staff of missions to international organizations and recognized family members
   2. Diplomatic agents and recognized family members
   3. Members of administrative and technical staff of a diplomatic mission and recognized family members
   4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:
   1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
   2. Support staff of missions to international organizations
   3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
   4. Honorary consular officers
   5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

4221.5 DOCUMENTATION
All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.
### DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note (a))</td>
<td>Yes (note (d))</td>
<td>Yes</td>
<td>No for official acts. Testimony may not be compelled in any case</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Int’l Org Staff (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No for official acts. Yes otherwise (note (c))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Diplomatic-Level Staff of Missions to Int’l Org</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
</tbody>
</table>

Adoption Date: 2019/09/06
Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Support Staff of Missions to Int’l Orgs</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>No for official acts</th>
<th>Yes otherwise</th>
<th>No immunity or inviolability</th>
</tr>
</thead>
</table>

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.
Rapid Deployment Team Policy

424.1 PURPOSE AND SCOPE
Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

424.3 PROCEDURE
Rapid Deployment Team Policy
Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE
This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the California State University Bakersfield, Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE STATE
When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE OF PRIMARY JURISDICTION
Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the CSUB shall notify dispatch of the incident. The information shall be relayed to his or her supervisor at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the supervisor as soon as practical and complete a case report detailing the circumstance.

The safety and security of the campus will be considered prior to leaving the campus.

The supervisor shall examine the report and forwarded to the officer’s Lieutenant.

This does not apply to officers assigned to work special assignments with allied agencies outside of the primary jurisdiction.
Immigration Violations

428.1 PURPOSE AND SCOPE
The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY
The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry.

When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of 8 USC § 1304; 8 USC § 1324; 8 USC § 1325 and 8 USC § 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS
Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, United States Code.

428.3.1 BASIS FOR CONTACT
Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

428.3.2 SWEEPS
The California State University Bakersfield, Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE
If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary
Immigration Violations

basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

428.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Whenever an officer has reason to believe that any person arrested for any offense listed in Health & Safety Code §11369 or any other felony may not be a citizen of the United States and the individual is not going to be booked into county jail, the arresting officer shall cause ICE to be notified for consideration of an immigration hold.

If an officer has an articulable belief that an individual taken into custody for any misdemeanor is an undocumented alien, and after he/she is formally booked there is no intention to transport to the county jail, ICE may be informed by the arresting officer so that ICE may consider placing an immigration hold on the individual.

In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

(a) Seriousness of the offense
(b) Community safety
(c) Potential burden on ICE
(d) Impact on the immigrant community
Immigration Violations

Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

The California State University Bakersfield, Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (8 USC § 1373; 8 USC § 1644).

428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Operations Division sergeant assigned to supervise the handling of any related case. The Operations Division sergeant should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.
Immigration Violations

428.4.2 HUMAN TRAFFICKING T-VISA

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).
Emergency Utility Service

430.1 PURPOSE AND SCOPE
The State Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled by first contacting the On-Call facilities employee and then proceeding in the following manner.

430.1.1 BROKEN WATER LINES
The State's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the State side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

430.1.2 ELECTRICAL LINES
When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Facilities should be notified and if necessary Pacific Gas and Electric (PG&E), as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.
Public Works maintains the reservoirs and public water equipment, as well as several street drainage pumps. In the event of flooding or equipment malfunctions, dispatch should contact the appropriate on-call facilities employee.

430.1.4 EMERGENCY NUMBERS
A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE
The State of CSUB contracts with a private maintenance company to furnish maintenance for all traffic signals within the State, other than those maintained by the State of California.

430.2.1 OFFICER'S RESPONSIBILITY
Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.
Patrol Rifles

432.1 PURPOSE AND SCOPE
(a) Circumstances occasionally exist which place law enforcement officers armed with only handguns at a substantial disadvantage. These situations can occur as a result of the weapons, tactics, and other equipment utilized by the criminal element in today's society. In these situations, a tactical rifle deployed by a trained, qualified police officer is critical in defending the lives of citizens and police officers. In order to meet those needs, the California State University, Bakersfield Police Department authorizes specified police officers to carry and utilize the tactical rifle. These police officers must first successfully complete an approved training course and then demonstrate proficiency with the tactical rifle according to procedures established in this section.

(b) Only rifles and ammunition authorized by the Department will be used by Department personnel in law enforcement responsibilities. This applies to weapons and ammunition carried both on and off duty. All discharges of firearms will be reported and reviewed for compliance with department policy and procedures. Officers shall possess and carry firearms in a safe and professional manner that promotes a positive image of the department and does not unduly concern the public. The officers shall maintain a high level of skill and proficiency recognizing the use of a firearm is the most serious responsibility filled by a police officer. Only officers who attend and successfully pass a tactical rifle marksman course may carry a patrol rifle. The Range Master will be the designated authority to determine whether a course attended by an employee meets the requirements of an approved course.

432.2 PATROL RIFLE

432.2.1 DEFINITION
A patrol rifle is an authorized weapon which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. Personally owned rifles may be carried during patrol duty if pre-approved by the Chief of police and the department Range Master.

432.3 SPECIFICATIONS
(a) The only authorized rifles for use by the California State University, Bakersfield Police Department are:
   1. Smith and Wesson M&P-15, Colt AR-15, Colt Sporter, Colt Lightweight Sporter, Colt H-BAR, Colt Carbine, and other semi-automatic, civilian versions of the AR-15/M-16 rifle made by Colt, or by other manufacturers as approved by the Rangemaster. All rifles must be in .223 (5.56mm) caliber, have a fixed or adjustable, factory stock, iron sights, a barrel length of at least 16 inches, and use a standard 10, 20 or 30 round magazine.

(b) Authorized rifles may be issued by the California State University, Bakersfield Police Department, or privately owned by the officer who is authorized to carry the tactical rifle. All rifles will be equipped with an approved sling.
   1. Privately owned rifles must be inspected and approved by the Range Master and meet all Department specifications.
Patrol Rifles

(c) The California State University, Bakersfield Police Department assumes no liability for repairs made to, maintenance of, damage to, or loss of privately owned rifles.

432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or armorer who shall inspect and service each patrol rifle on a bi-annual basis.

(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.

(d) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or Armorer at any time.

(e) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or armorer.

432.5 TRAINING

Only officers who have passed an approved tactical rifle marksman course and have the approval of the Chief of Police are authorized to carry the patrol rifle. Officers assigned or approved to carry patrol rifles shall also be required to successfully complete bi-annual training with the rifle. An officer, who fails to maintain the required training level or fails to achieve a passing score during the biannual qualification, will be removed from the patrol rifle program and may receive discipline.

432.6 DEPLOYMENT OF THE PATROL RIFLE

(a) The patrol rifle is not intended to replace the standard issue handgun but to supplement that weapon under circumstances where a suspect may be armed. Officers of the University Police Department are authorized to deploy the patrol rifle in only those situations where there is a reasonable belief the suspect is armed. The utilization of a patrol rifle will extend the distance between the officer(s) and the suspect, giving the officer an advantage. The use of the patrol rifle is not meant to replace a special weapons and tactical team from an allied agency (such as BPD or KCSO) who might assist the California State University, Bakersfield Police Department officers in resolving critical incidents which require the use of special weapons or a highly trained tactical team.

(b) Officers will not loan their assigned rifle to another officer accept when necessary to resolve an immediate life-threatening emergency situation.

(c) Any officer, who carries a tactical rifle, whether issued or privately owned, will complete the following steps prior to the beginning of each shift:

1. Point the rifle in a safe direction, make sure the safety is on, remove the magazine, and make sure the chamber is empty.
2. Inspect the operation and condition of the rifle.
   
   (a) If the rifle is dirty, the officer will perform the necessary maintenance on the weapon before putting the rifle back into service.
   
   (b) If the rifle is unserviceable, the weapon will be taken out of service immediately. If such a rifle is an issued weapon, the officer will report the condition to a supervisor, and take the steps necessary to have the rifle repaired. If the rifle is a privately owned weapon, the officer will have the
Patrol Rifles

necessary repairs made, and then have the rifle inspected and approved by the Range Master prior to putting the rifle back into service.

3. After the inspection is complete, insert a loaded magazine back into the rifle.
4. Ensure that at least two (2) loaded spare magazines are immediately available. The magazines will be carried in a pouch attached to the rifle's butt-stock, a pouch or pouches attached to the officer's duty or tactical belt, or in any system approved by the Range Master.

(d) Any officer, who carries a tactical rifle, whether issued or privately owned, will take the following steps to ensure the rifle is carried in a safe and secure manner:
1. Rifles will be carried with the safety on, bolt closed, the chamber empty, and a loaded magazine locked in place.
2. Rifles carried in a vehicle will be secured in the the rifle rack. If the vehicle does not have a locking rifle rack the trunk may be used, the rifle will be carried out of view. Vehicles which contain an unsecured rifle will be locked when unattended.

(e) Any officer, who carries a tactical rifle, will store the rifle in the following manner when off duty:
1. California State University, Bakersfield Police Department rifles will be stored in the CSUB gun safe.
2. Rifles stored will have an empty chamber and the safety on and the magazine detached.
3. Privately owned rifles may either be stored according to the above procedures, or in a secure location separate from the California State University, Bakersfield Police Department.
   (a) Officers who store tactical rifles away from the California State University, Bakersfield Police Department will take steps to prevent the weapon from being stolen, or otherwise being accessible to children and other irresponsible persons.

(f) If a round has been loaded into the chamber, the officer will:
1. At the termination of the situation, unload the chambered round, reload the magazine, lock the magazine back into place, and make sure the safety is on before returning the rifle to the vehicle.
2. If the rifle has been discharged, at the termination of the situation the officer will follow the reporting requirements.

432.7 ACCESSORIES

Only approved accessories will be used with patrol rifles. Magnified sighting scopes, laser pointers, bi-pods, or other devices are not authorized for use. Flashlight attachments or holographic sights may be utilized only upon the approval of the Range Master.

432.8 PATROL READY

All qualified officer shall carry a patrol rifle in the field if the appropriate patrol vehicle containing a rifle rack is available. The officer shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty, a fully loaded magazine is inserted into the magazine well and the weapon light is operational.
Patrol Rifles

432.9 RIFLE STORAGE

(a) When not in use, patrol rifles will be stored in the department armory in rifle racks.

(b) At the start of each assigned shift, any qualified, on-duty officer may contact the Watch Commander or a patrol supervisor for access to the department armory.

(c) The last three digits of the assigned patrol rifle serial number will be recorded on the Daily Activity Log.

(d) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.

(e) At the end of the assigned officer's shift, the patrol rifle will be returned and secured in the department armory.
Field Training Officer Program

436.1 PURPOSE AND SCOPE
The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the California State University Bakersfield, Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING
The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS
FTO's will be selected based on the following requirements:

(a) Desire to be an FTO
(b) Minimum of four years of patrol experience, two of which shall be with this department
(c) Demonstrated ability as a positive role model
(d) Possess a POST Basic certificate

436.2.2 TRAINING
An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR
The FTO Program supervisor should be selected from the rank of sergeant or above by the Lieutenant or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs
(b) Conduct FTO meetings
(c) Maintain and ensure FTO/trainee performance evaluations are completed
(d) Maintain, update and issue the Field Training Manual to each trainee
(e) Monitor individual FTO performance
(f) Monitor overall FTO Program
Field Training Officer Program

(g) Maintain liaison with FTO coordinators of other agencies.
(h) Maintain liaison with academy staff on recruit performance during the academy.
(i) Develop ongoing training for FTOs.
(j) Arrange an orientation program if the experience level of the new officer dictates a lesser form of FTO.

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR § 1004(c)).

436.4  TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the California State University Bakersfield, Police Department who has successfully completed a POST approved Basic Academy.

436.5  REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for a lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of four weeks.

436.5.1  FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the California State University Bakersfield, Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations adopted by the California State University Bakersfield, Police Department.

436.6  EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1  FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
(b) Review the Daily Trainee Performance Evaluations with the trainee each day.
(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.
Field Training Officer Program

436.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

436.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

436.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

436.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations
(b) End of phase evaluations
(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training
Obtaining Air Support

438.1 PURPOSE AND SCOPE
The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made to the Kern County Sheriff's Department, upon approval of the supervisor.

438.2.1 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.
Field Interviews & Photographing of Field Detainees

440.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

440.2 DEFINITIONS
Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview - The brief detention of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

440.3 FIELD INTERVIEWS
Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
(c) The hour of day or night is inappropriate for the suspect's presence in the area.
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(d) The suspect’s presence in the particular area is suspicious.
(e) The suspect is carrying a suspicious object.
(f) The suspect’s clothing bulges in a manner that suggests he/she is carrying a weapon.
(g) The suspect is located in proximate time and place to an alleged crime.
(h) The officer has knowledge of the suspect’s prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW
An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer’s suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the California State University Bakersfield, Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.
   1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
   2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
   1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

440.3.3 FIELD INTERVIEW CARDS
Oftentimes a call for service can be cleared by an officer without the necessity of a case report although a CLETS/CJIS check was conducted. If you have acquired enough information to run a wants/warrant check, you most likely have enough information to complete a Field Information Card.

When an Officer ends a call for service with one or more field interviews, the officer shall give the completed Field Interview Card to Dispatch prior to the end of his/her shift. The
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Dispatcher will enter the Field Interview Card into RIMS and return the card to the officer. The officer will confirm the information has been entered correctly into RIMS.

440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
(b) Where more than one suspect must be handled by a single officer.
(c) The hour of the day and the location or neighborhood where the stop takes place.
(d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
(e) The appearance and demeanor of the suspect.
(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the consent for photo form appendix number G.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.
**440.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

**440.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be uploaded to RIMS with either an associated FI entry, incident report, or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be attached to any associated case numbers.

When a photograph is taken in association with a particular case, the officer may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case.

**440.8 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

**440.8.1 REVIEW PROCESS**

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and California State University Bakersfield, Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.
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If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or California State University Bakersfield, Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or California State University Bakersfield, Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved California State University Bakersfield, Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.
Criminal Street Gangs

442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code § 186.20 through Penal Code § 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to provide for the collection and management of criminal street gang information so as to enhance officer safety and the criminal prosecution of criminal street gang participants. This policy is not intended or designed to establish a formal gang intelligence database.

442.2 DEFINITIONS

Pattern of Criminal Gang Activity - The commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

Criminal Street Gang - Any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

Gang Related Crime - Any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Gang Officer shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol.
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2.
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2 of this policy.
4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang.

(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by the Gang Officer and a reasonable basis for believing such affiliation has been established and approved by a supervisor:
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1. An individual admits membership in a criminal street gang.
2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise.
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes.
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang.
7. An individual otherwise meets the criteria of a criminal street gang participant under the guidelines of a department approved gang intelligence database and/or 28 C.F.R. 23.20.

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer’s belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

442.4 CRIMINAL STREET GANG TEMPORARY FILE

The Gang Officer may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected criminal street gang participant or a suspected criminal street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the Lieutenant. A temporary file of criminal street gang participants or criminal street gangs shall include:

(a) Names, aliases, monikers, addresses, and other relevant identifying information.
(b) Gang name.
(c) Justification used to identify an individual as a criminal street gang participant.
(d) Vehicle(s) known to be used.
(e) Cross references to other identified gangs or gang members.

442.4.1 REVIEW AND PURGING OF GANG PARTICIPANT FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.
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The Lieutenant shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal street gang files is the responsibility of the Gang Officer.

442.4.2 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases, such as CALGANG, for use by members of the Gang Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the a Supervisor’s responsibility to determine whether any report or FI contains information that would qualify for entry into a department approved criminal gang intelligence database. The Officer should forward any such reports or FIs to the Records Section after appropriate database entries are made. The submitting Officer should clearly mark the report/FI as Gang Intelligence Information.

It is the responsibility of the Records Section Supervisor to retain reports and FIs in compliance with the procedures of the department approved criminal gang intelligence database and 28 C.F.R. § 23.20. The Records Section Supervisor may not purge these reports or FIs without the approval of the Gang Unit Supervisor.

442.5 FIELD CONTACTS

Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

442.6 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile’s name is in the temporary criminal street gang participant's file, such information shall be provided by the supervisor, unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department approved gang intelligence database regarding release of information from that database.

442.7 DISSEMINATIONS OF THE FILE INFORMATION

Information from the temporary criminal street gang participant files may only be furnished to Department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department approved gang intelligence file must only be released in compliance with the rules for that particular database.
Criminal Street Gangs

442.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

(a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.

(b) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected or booked.

(d) A specific request to that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.
Use of Audio/Video Recorders

450.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see the Mobile Audio Video Policy).

450.2 POLICY
The California State University Bakersfield, Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 PRIVACY
All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

450.4 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

450.5 ACTIVATION OF THE AUDIO RECORDER
Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.
Use of Audio/Video Recorders

450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee.

450.6 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

450.6.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

450.7 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

450.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.
BODY WORN CAMERAS

I. **SUBJECT:** BODY WORN CAMERA POLICY

II. **PURPOSE:** The purpose of this policy is to establish guidelines for the use of Body Worn Cameras (BWC) by officers working for The California State University Campus Police Departments while on-duty and during work related contacts with the public in accordance with the law.

The California State University ("CSU") has adopted the following policy in order to create statewide uniformity and procedures to be complied with by all 23 CSU campuses.

III. **OBJECTIVES:** CSU has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

   a. Collect evidence for use in criminal investigations and prosecutions;
   b. Deterring criminal activity and uncooperative behavior during police-public interaction;
   c. Assist officers with completing reports and providing testimony in court;
   d. Promote accountability;
   e. Assist in resolving complaints against officers including false allegations by members of the public; and
   f. Provide additional information for officer evaluations, training and continuous improvement.

BWC recordings provide additional information regarding investigative or enforcement contact with a member of the public. BWC recordings, however, provide limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analysis and documentary evidence, when evaluating the appropriateness of the officer's actions.

IV. **POLICY:** The Body Worn Camera, hereinafter referred to as BWC, is an audio and video capturing system that is attached to the outside, upper body of an officer's uniform, facing forward to make video and audio recording. It shall be used to document incidents that occur in official duties of CSU peace officers. The following shall be the policy when using the BWC:

   a. On-duty uniformed officers responding to calls for service or taking enforcement action make every effort to activate the BWC to record contact with citizens in the performance of their official duties.
b. Peace officers shall make every effort to immediately activate their body camera upon being dispatched Code-3 or any call that may be perceived as a critical incident (Part 1 crime). The BWC shall remain activated until the contact, incident or event is completed to ensure the integrity of the recording. Except in situations that meet section V.d.

c. The Chief of Police at each campus shall determine how the BWC shall be worn by the officers within their Department.

d. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why the recording was not made, was interrupted or was terminated for reasons other than described in section V.d., via a memo to the officer’s watch commander.

e. Officers shall document in police reports whether a BWC was utilized. (e.g. “My Dept. issued BWC was activated during the contact, detention, arrest, etc.”)

f. For the purposes of this policy, it shall be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted body camera will have knowledge that such contact is being recorded. A uniformed officer shall give an affirmative answer if asked by a citizen if they are being recorded during the course of an official contact.

g. BWC equipment will be issued to all peace officers at the rank of sergeant and below. Uniformed officers who are assigned BWC equipment must use the equipment unless otherwise authorized by Command Staff. Officers shall use only BWCs issued or approved by their Department.

h. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the officer’s home campus Police Department.

i. Police personnel who are assigned BWCs shall complete a training program to ensure proper use and operations of the equipment prior to deployment in field operations. Future training may be periodically required to ensure the continued effective use and operation of the equipment, proper calibration, performance, and to incorporate changes, updates, or other revisions in policy and equipment.

j. Prior to going into service, uniformed officers shall confirm that the BWC is working and recording properly. If the BWC is not working or malfunctions at any time, the officer shall promptly notify their supervisor and obtain a functioning BWC.
BODY WORN CAMERAS

k. On-duty uniformed officers shall not be held financially responsible for damaged, broken or inoperable BWC equipment unless abuse or negligence of the equipment is found to be the cause. Any equipment malfunctions shall be brought to the attention of the officer’s on-duty supervisor via a memorandum outlining the circumstances that led to the affected BWC so a replacement unit may be procured.

l. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWC recordings without prior written authorization and approval from the Chief of Police or designee.

m. Requests for deletions of recordings or any portion thereof must be submitted in writing and approved by the Chief of Police or designee in accordance with CSU record retention policy.

n. An on-duty officer may remove or deactivate the BWC if on an extended break, or in their personal residence, restroom, or locker room in order to eliminate the possibility of inadvertent activation.

V. RESTRICTED USES OF BWC

a. At no time should an officer jeopardize their safety in order to activate a BWC, recorder or change the recording functions.

b. No member of this Department may surreptitiously record a conversation of any other member of this Department with the BWC or any other recording device when a reasonable expectation of privacy exists and without the expressed written knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer’s right to openly record any interrogation pursuant to Government Code 3303 (g).

c. There may be times when officer’s should be sensitive to a situation and use discretion on their decision to record contacts while handling certain calls for service. Some examples include but are not limited to: Interviewing of sexual assault victims, recording in Hospitals when other patients not related to a Police incident could be recorded or at the request of Hospital staff members.

d. In certain situations, where police tactics or confidentiality may jeopardize officer safety or case sensitive information, activations of the BWC may not be warranted. These situations include but are not limited to: Detective Bureau investigations, Gang Intelligence operations, tactical operations, undercover operations and interviews with criminal/confidential informants. The reason as to why a recording was paused or not made at all is to be documented in the police report.
BODY WORN CAMERAS

e. An officer, who is investigating a possible explosive device and is in close proximity of the device, shall turn off their camera.

f. Officers are prohibited from utilizing department issued BWCs and recording media for personal use. Any unauthorized use of the BWCs by department personnel may result in disciplinary action.

VI. STORAGE AND REVIEW OF MEDIA FILES

a. All files should be securely downloaded periodically and no later than the end of each patrol shift. If an officer is unable to download at the end of their, the officer shall ask their on-duty supervisor if it is acceptable to download the files at the beginning of the officer's next shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.

b. Files should be securely stored in accordance with CSU Records and Retention Policy. The files should be stored no longer than useful for the purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice system.

c. Officers shall have the right to review their recordings and use the recordings as a resource for preparing to write police reports, to participate in an internal affairs interview and/or to provide a statement regarding a critical incident. This section does not apply to a public safety statement regarding a critical incident. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

d. All images and sounds recorded by the BWC are the exclusive property of the Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited and may result in disciplinary action.

e. Command staff retains the authority to audit the storage system at random in order to ensure authorized users are accessing the data for legitimate and authorized purposes.

f. Command staff retains the authority to randomly view officer recordings for the purpose of validity testing. The random viewing will be conducted by the Operations Captain or Lieutenant. The method of random selection will be agreed upon by the SUPA Representative and Chief of Police. One recording per officer may be selected each month and reviewed. Any system deficiencies will be documented and remedied. Any performance issue will be discussed with the officer. Violations of policy will be reviewed using the campus' procedures for conducting Internal Affairs Investigations.
BODY WORN CAMERAS

g. Specific and targeted audits for cause are not allowed unless well-founded suspicion has been documented specifically naming an officer or officers who are allegedly violating policy or performance standards. Command Staff shall be notified and the campus' procedures for conducting Internal Affairs Investigations will guide the review.

h. Video and/or audio recordings may be played for the purposes of training with written approval from the Chief of Police or their designee. If an involved officer objects to the playing of an audio/video recording, their objection will be submitted to the Chief of Police or their designee to determine if the training value outweighs the officer's objection to have others review the audio/video file.

i. In no event shall any recording be used or reviewed for the purpose of officer ridicule or embarrassing an employee.

j. All Public Records Act Requests will be processed in accordance with applicable law.

k. Upon Command Staff approval, recorded files may be reviewed by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

l. Pursuant to lawful process, recorded files may be reviewed or provided to court personnel who are authorized to review evidence in a related case.

m. Media personnel with permission of the Chief of Police or the authorized designee may review or be provided recorded files.

n. All recordings will be reviewed by a member of the Command Staff prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court. Every effort to protect the identities of involved parties in the video will be conducted to the extent allowed by law.
Medical Marijuana

452.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

452.1.1 DEFINITIONS
Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the State Department of Health Services to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than eight ounces of dried, mature, processed female marijuana flowers (bud) or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered).

452.2 POLICY
It is the policy of the California State University Bakersfield, Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.
Medical Marijuana

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The California State University Bakersfield, Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

452.3 INVESTIGATION
Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.
(b) Investigations when a medicinal claim is made by a cardholder.
(c) Investigations when a medicinal claim is made by a non-cardholder.

452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM
In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

452.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER
A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is reasonable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.
(b) The card has been obtained or used by means of fraud.
(c) The person is otherwise in violation of the provisions of the MMP.
(d) The person does not possess marijuana for personal medical purposes.

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.
Medical Marijuana

452.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or, delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

452.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors, the climate, etc.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor or other member with special knowledge in this area and/or appropriate legal counsel. Licensing, zoning and other related issues can be complex. Patients, primary caregivers and cardholders who
Medical Marijuana

collectively or cooperatively cultivate marijuana for medical purposes are provided a defense under MMP (Health & Safety Code § 11362.775).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

452.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):
   1. In any place where smoking is prohibited by law.
   2. On a school bus.
   3. While in a motor vehicle that is being operated.
   4. While operating a boat.

(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

452.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.
Bicycle Patrol Unit

454.1 PURPOSE AND SCOPE
The California State University Bakersfield, Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

454.2 POLICY
Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Sergeant or event planning.

454.3 SELECTION OF PERSONNEL
Officers will be given the opportunity to apply by submitting a memorandum of interest to the bicycle patrol supervisor. Bicycle officers will be selected upon the recommendation of the bicycle patrol supervisor to the Chief of Police. All officers are encouraged to apply.

454.3.1 BICYCLE PATROL UNIT SUPERVISOR
The Bicycle Patrol Supervisor will be selected from the rank of sergeant by the Chief of Police.

The Bicycle Patrol supervisor shall have responsibility for the following:
(a) Inspecting and maintaining inventory of patrol bicycles and program equipment
(b) Scheduling maintenance and repairs.
(c) Evaluating performance of bicycle officers.

454.4 TRAINING
Participants in the program should consider attending a department approved bicycle patrol training course.

454.5 UNIFORMS AND EQUIPMENT
Bicycles officers shall wear the departmentally approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet, riding gloves, and approved footwear.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.
454.6 CARE AND USE OF PATROL BICYCLES
Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Bicycles shall be properly secured when not in the officer’s immediate presence.

454.7 OFFICER RESPONSIBILITY
Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. All bicycle accidents involving injury or damage shall be reported to a supervisor.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

(a) In response to an emergency call.
(b) While engaged in rescue operations.
(c) In the immediate pursuit of an actual or suspected violator of the law.
COMMUNITY SERVICE OFFICERS

455.1 PURPOSE AND SCOPE
The department utilizes student employees as Community Service Officers (CSO) who serve as dispatchers, parking officers, and escort officers. They also handle a variety of non-sworn duties as assigned. As several segments of this department are involved in the student process, this department procedure will clarify and delineate the responsibilities involved with the hiring, training, and scheduling of student employees. The mission of the Community Service Officers is to assist the CSU Bakersfield Police Department in maintaining order and ensuring the safety of the campus community.

455.2 CSO SUPERVISION
(a) CSO Supervisor - The Chief of Police will assign a sworn staff member of the rank of Corporal or higher as the CSO Supervisor. This staff member is responsible for directing the CSO program. They will insure all directives are followed and the mission of the CSO program is accomplished. The CSO Supervisor oversees all CSO's assigned on patrol, dispatch or parking duties.
(b) Assistant CSO Supervisor - At the discretion of the Chief of Police, an assigned sworn staff member may be appointed to serve as the assistant to the CSO Supervisor. The Assistant CSO Supervisor will be responsible for assisting in the hiring process and assisting in the training of all CSO's. The Assistant CSO Supervisor will insure all applicable policies are followed.
(c) Scheduling Officer - The Scheduling Officer may be a sworn or non-sworn department staff member and will be appointed at the discretion of the Chief of Police. The Scheduling Officer will insure that all non-sworn dispatch, patrol and parking functions are filled as needed. They will post a schedule in a timely manner, and make corrections to the schedule to insure proper coverage is maintained.
(d) Program Coordinator - The Chief of Police will appoint a sworn staff member of the rank of Sergeant or higher, who will be responsible for the overall supervision of the entire CSO program. The Program Coordinator will insure the program is running smoothly and that the policies and procedures are being followed.

455.2.1 SCHEDULING
When a CSO successfully completes the CSO Training Program, the CSO Supervisor will inform the Scheduling Officer. The Scheduling Officer will schedule the appropriate CSO in the following priorities for coverage:
(a) Dispatch Shifts
(b) Information Kiosk Shifts
(c) Dorm patrol duties on Thursday, Friday and Saturday nights
(d) CSO patrol and escort shifts from 0700-2300 hours during the week
(e) Saturday morning and afternoon CSO patrol/parking shifts

455.3 HIRING
(a) When there is a CSO I vacancy, the CSO Supervisor will consult with the Program Coordinator to determine whether the position will be filled. If the Program Coordinator
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(approves the position to filled, the CSO Supervisor will insure a job announcement is posted in the Career Development Center.

(b) Application forms will be maintained in the dispatch office and given to student applicants by the on-duty dispatcher. After completion by the student applicant(s), the dispatcher will forward the application to the CSO Supervisor.

(c) When the CSO Supervisor has received a sufficient number of applications (to be determined by the consultation with the Program Coordinator), he/she will schedule an oral appraisal board consisting of at least two members but no more than three. The Oral Appraisal Board may consist of a campus staff member, dispatcher, a Senior CSO, or another person that has been approved by the Program Coordinator. The CSO Supervisor will notify the candidates as to the time and place for their interview.

(d) Upon successful completion of the oral interview, the CSO Supervisor will have the successful CSO I candidates who closely meet the needs of the department enter into the background investigation process. He/she will insure background packages are issued to the selected students, and that these packets are completed and returned within a mutually acceptable time frame.

(e) Completed background packages will be given to the CSO Supervisor for review and assignment. After the CSO Supervisor determines the background packet is complete, he/she will assign the background investigation to a department employee. Any employee assigned a background investigation for a CSO I candidate that has not completed a POST certified Background Investigation course will be required to work closely with an officer that has completed the school. All backgrounds will include having the candidate "Live Scanned" for their DOJ Clearance.

(f) The CSO Supervisor will monitor the background investigation(s) to insure they are completed in a thorough, accurate and timely manner.

(g) When a candidate’s background has been completed, the employee conducting the investigation will submit the completed investigation packet to the CSO Supervisor who will thoroughly review it to insure it is complete. The CSO Supervisor will then forward the packet to the Program Coordinator for review and/or approval.

(h) The Program Coordinator will thoroughly review the background packet to insure it is complete and then submit the packet to the ASA for records filing.

(i) The CSO Supervisor will coordinate with the Payroll Clerk to insure that all CSO I candidates hired by the department complete their New Student Hire paperwork before the CSO I begins work. No CSO I should work unless they have been signed up by Payroll.

(j) The CSO Supervisor will insure that all new CSO I employees obtain an orientation which includes information about the department uniform, equipment and other information as instructed in the CSO I Training Manual.

(k) The CSO Supervisor will insure that a personnel folder is constructed for each currently employed CSO. He/she will maintain these files in a secure location for the duration of the CSO’s employment. Once employment is severed, the CSO Supervisor will transfer the file to the Administrative Support Assistant.

(l) The Chief of police will be given the background packages on all CSO candidates for final approval.

455.4 TRAINING CSO I

(a) The CSO Supervisor will insure the new CSO I is assigned an Active Directory Account, Firstclass Account and a RIMS account. He/she will also insure the CSO I
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competes the training and forms required to obtain a Defensive Driving Permit from Risk Management.

(b) The CSO Supervisor will assign the CSO I to a field training officer which may be a Senior CSO, police officer, or experienced CSO II who has demonstrated the ability to properly train new CSO's. The new CSO I should be assigned to one trainer for the duration of their CSO I training.

(c) Once a CSO I has been assigned to training, it will be the responsibility of the trainer to work with the trainee to adopt a schedule that is mutually workable to complete the required CSO I training manual. The training officer will notify the CSO Supervisor of their training schedule, and he/she shall insure it is put on the non-sworn schedule.

455.4.1 TRAINING CSO II

(a) When a CSO I has been identified and selected to enter into CSO II training, the CSO Supervisor will notify the Program Coordinator.

(b) The CSO Supervisor will assign the trainee to a communications training officer which will be a full-time dispatcher.

(c) Once a CSO II has been assigned to training, it will be the responsibility of the trainer to work with the trainee to adopt a schedule that is mutually workable to complete the required CSO II training manual. The training officer will notify the CSO Supervisor of their training schedule, and he/she will insure it is put on the non-sworn schedule.

455.5 SENIOR COMMUNITY SERVICE OFFICER

Minimum Qualifications for a Senior Community Service Officer:

• Six months of cumulative service to the University Police Department - service time shall start from the date of hire and continue for a period of six months. A service month is when an employee completes a minimum of 60 hours. Since the time is cumulative, an employee may have month(s) where they work less than 60 hours. That month will not count towards the cumulative 6 months needed. However, the employee will satisfy this qualification when he/she has accumulated six months of over 60 hours worked per month. If an employee has terminated employment, and rehired, the six month time starts over again from the re-hire date.

• Exhibits above-standard job performance - Above standard job performance is defined as working at a level above that of a standard employee. This requirement may be satisfied by formal job evaluations, written recommendation s from a full-time University Police Department employee, or by receiving a commendation from a community member for a service provided by the employee within the 12 month period prior to the employee's application for Senior CSO.

• Exhibits above-standard leadership ability - The Sergeant in charge of the student employees, with consultation from administrative and supervisory officers, will evaluate the level of leadership of the Community Service Officers. This qualification will be satisfied by this evaluation process.

455.5.1 PROMOTION PROCESS

(a) When there is a Senior Community Service Officer vacancy(s), the Sergeant will notify the Chief of Police via the chain of command. Once he/she has received permission to start the process, the Sergeant will send out a request for applications to the current CSO II's. The application package will contain a CSU Bakersfield application, an
COMMUNITY SERVICE OFFICERS

Essay question that will allow the applicant to express in writing why they are qualified to be a Senior Community Service Officer, and any letters of recommendation.

(b) Application packages will be maintained in the dispatch office and given to Senior CSO applicants by the on-duty dispatcher. After completion, the application package will be forwarded to the Corporal.

(c) When the deadline for application packages has expired, the Corporal will convene an oral appraisal board consisting of the Sergeant in charge of student employees, a full-time dispatcher, and the Corporal. The Corporal will notify the candidates as to the time and place for their interview. The Sergeant will construct the questions for the applicants with approval by the Lieutenant.

(d) The oral interview will consist of questions that provide the panel with more insight into the candidate’s qualifications. The questions may consist of hypothetical situations, department policies, or personnel issues the Senior CSO may encounter. The panel will also review the essay that the applicant submitted with their completed application.

(e) Upon completion of the oral interview, the Sergeant will recommend to the Chief of Police, via the chain of command, the candidates the board supports for the promotion to Senior Community Service Officer.

The recommended ratio of Senior Community Service Officer to Community Service Officer is 1 to 5. In the best interest of the department, the Chief of Police may increase, decrease, or cancel this ratio.

455.2 DUTIES OF SENIOR COMMUNITY SERVICE OFFICER

• The Senior Community Service Officer will be considered a lead, and not a supervisor.
• The Senior CSO will assist the Corporal during the field operations where there are numerous CSO’s working at the same time.
• The Senior CSO will be expected to train new CSO I’s, and to complete the new employee’s field-training manual.
• The Senior CSO will be expected to assist the officer in charge of student scheduling with the monthly CSO schedule.
• The Senior CSO will be expected to sit on oral panels for new CSO(s).
• The Senior CSO will be expected to perform other duties as assigned.

455.6 CSO PARKING TRAINING

(a) Preparedness- A Parking Officer must prepare for each day by checking for lot exemptions, campus events and any new emails that may have arrived during the prior shift. Community Service Officers must also check for lot exemptions and campus events prior to issuing citations.

1. Reviewing the department meeting maker prior to issuing citations is very important. Issuing citations to a lot or vehicle that is exempted is detrimental and portrays a negative image towards the department.

2. Ensure that all equipment is properly working (dates and times on citation machines are correct and sufficient paper is in the handheld).

3. Check with a parking officer or dispatcher to inquire about any special parking circumstances that may be occurring on campus such as; vehicles parking outside of parking stalls or parked in loading zones for extended periods of time.
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455.6.1 ISSUING CITATIONS

Citations are the final solution to a parking violation and should be issued with discretion. In law enforcement it is always important for an officer to weigh the positives and negatives of a situation's outcome, enforcing parking is no different. It is important to understand the gray area of law enforcement and to not always view situations as black and white (right or wrong) but to evaluate the situation and determine the suitable solution.

(a) When issuing a citation be sure that there is a valid violation. Review the decision that the vehicle is in violation before issuing the citation.
   1. Double check for the absence of a parking permit or disabled placard. If a violation is questionable do not hesitate to contact a parking officer for assistance.
   2. Check with dispatch or a parking officer if a vehicle is parked out of a stall before issuing a citation.

(b) Use discretion when confronted by an individual who is in violation of a parking regulation.
   1. Issuing a warning is always a suitable choice unless instructed otherwise.
   2. Do not become complacent when confronted by an individual. Treat all situations with a professional attitude and do not hesitate to call for the assistance of an officer if needed.

(c) Do not allow personal issues to affect decision making while issuing citations.
   1. A Community Service Officer has the ability to perform many tasks. Therefore, if a personal issue is going to influence the ability to issue a valid citation, perform a different task that assists the department.

In order to ensure sufficient citation abilities the Community Service Officer must issue 50 valid parking citations and complete 10 hours of parking enforcement training with a Parking Officer.

455.7 PERSONNEL ISSUES

(a) All personnel issues involving student employees are to go through the CSO Supervisor.

(b) The CSO Supervisor shall be kept informed of the performance of the student employees and shall be immediately apprised of any negative performance issues. In the absence of the CSO Supervisor, the Program Coordinator shall be apprised of any negative performance issues.

(c) After consultation with the on-duty/on-call supervisor, an officer may suspend a student employee if the violation warrants such action. The student employee shall be advised to meet with the CSO Supervisor when that person is next scheduled to be on-duty.

(d) Continued employment of student employees with the Department is based on ongoing satisfactory performance. It is the intent of the Department to provide sufficient training and encouragement for student employees so they are able to perform at a satisfactory level enabling them to achieve success as a CSO. However, students serve at the will of the Chief of Police and be terminated at any time.
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455.8 STUDENT EMPLOYMENT RECORDS

All student records involving their employment with the CSU Bakersfield Police Department shall be forwarded to the CSO Supervisor as soon as possible. It is the CSO Supervisor's responsibility to insure that these records are placed in the correct employee's personnel file.

Once a CSO's employment is severed, the employee's file is to be transferred to the Department Administrative Support Assistant.

455.9 CSO APPEARANCE

Professionalism and discretion is of the utmost importance to all individuals who hold the authority to protect and uphold the law. A Community Service Officer must uphold a professional appearance and attitude when conducting his/her job. The appearance of the Community Service Officer, especially during a conflicting situation, can result in portraying the department positively if handled appropriately. It is extremely important for the Community Service Officer to evaluate and to use discretion in all situations that arise while on duty.

(a) Uniform and personal hygiene will directly coincide with the department uniform policy that is required by all employees of the University Police Department.

(b) Attitude and control of personal feelings when confronted with a difficult situation is of the utmost importance. Expressing an unappealing attitude towards an individual on campus will produce detrimental results.
Foot Pursuit Policy

458.1 PURPOSE AND SCOPE
Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

458.1.1 POLICY
It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

458.2 DECISION TO PURSUE
Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.
(b) Canine search.
(c) Saturation of the area with patrol personnel.
(d) Aerial support.
(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to
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immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

458.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with the Communications Center or with backup officers.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

458.4 RESPONSIBILITIES IN FOOT PURSUITS

458.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the
Foot Pursuit Policy

Formulating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier
(b) Location and direction of travel
(c) Reason for the foot pursuit
(d) Number of suspects and description
(e) Whether the suspect is known or believed to be armed

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

458.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

458.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.
Foot Pursuit Policy

458.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES
Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practicable, notify the field supervisor and provide available information. The Communications Center personnel are also responsible for the following:

(a) Clear the radio channel of non-emergency traffic.
(b) Repeat the transmissions of the pursuing officer as needed.
(c) Relay all pertinent information to responding personnel.
(d) Contact additional resources as directed by a supervisor.
(e) Coordinate response of additional resources to assist with the foot pursuit.

458.5 REPORTING
The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.
(b) The identity of involved personnel.
(c) The course and approximate distance of the pursuit.
(d) Whether a suspect was apprehended as well as the means and methods used.
   1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.
(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.
Chapter 5 - Traffic Operations
Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE
The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

All CSUB Police Officers are expected to enforce traffic.

500.2 ENFORCEMENT
Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.2.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.2.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge
(b) Court appearance procedure including the optional or mandatory appearance by the motorist
(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.2.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter
(b) Felony and misdemeanor driving under the influence of alcohol/drugs
(c) Felony or misdemeanor hit-and-run
(d) Refusal to sign notice to appear
Traffic Function and Responsibility

(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.3 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests should be carried with each officer during patrol functions.

Vests may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained by the officer assigned a vest. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Administrative Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.
Traffic Collision Reporting

502.1 PURPOSE AND SCOPE
The California State University Bakersfield, Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY
The Operations Sergeant will be responsible for distribution of the Collision Investigation Manual. The Operations Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS INVOLVING STATE VEHICLES
Traffic collision investigation reports shall be taken when a State-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a State vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Sergeant.

Photographs of the collision scene and vehicle damage shall be taken.

502.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the California State University Bakersfield, Police Department resulting in a serious injury or fatality, the Chief of Police may notify the Bakersfield Police Department.

The term serious injury is defined as any injury that may result in a fatality.

502.3.3 TRAFFIC COLLISIONS WITH OTHER STATE EMPLOYEES OR OFFICIALS
The supervisor may request assistance from the Bakersfield Police Department for the investigation of any traffic collision involving any State official or employee where a serious injury or fatality has occurred.

502.3.4 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision
(b) When there is an identifiable violation of the Vehicle Code
(c) When a report is requested by any involved driver
Traffic Collision Reporting

502.4 NOTIFICATION OF TRAFFIC SUPERVISOR

In the event of a serious injury or death related traffic collision, the officer shall notify a supervisor to relate the circumstances of the traffic collision and seek assistance from the Bakersfield Police Department.
Vehicle Towing and Release

510.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the California State University Bakersfield, Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS
When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT
Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Section as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES
When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the State of CSUB. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES
Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:
Vehicle Towing and Release

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS
Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

510.2.5 DRIVING A NON-CITY VEHICLE
Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER'S RESPONSIBILITIES
Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.2.7 RECORDS SECTION RESPONSIBILITY
Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice...
Vehicle Towing and Release

shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES

The tow service rotation of available companies will also be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).
Vehicle Towing and Release

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3 and Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3 and Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license and applicable fees paid prior to the end of the 30-day impoundment period if the vehicle was stolen, if the driver reinstates his/her driver's license, if the driver acquires a license and proper insurance, or under other circumstances as set forth in Vehicle Code § 14602.6.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.
Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the California State University Bakersfield, Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code §§ 22650(a) and 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer will be a sergeant and will not be the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 HEARING PROCEDURES
The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(d)). A Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code §§ 22851.3(e)(2) and 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §§14602.6(b) and 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code §§ 14602.6(b) or 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.
Vehicle Impound Hearings

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Lieutenant. The hearing officer will recommend to the appropriate Lieutenant that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department (Vehicle Code § 22852(e)).
Impaired Driving and Evidence Collection

514.1 PURPOSE AND SCOPE
This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.1.1 BPD RESPONSE TO DUI ARRESTS
The CSUB Police Department has an established agreement with the Bakersfield Police Department for them take over any suspected DUI investigation on the CSUB campus. The CSUB police will conduct a preliminary investigation to determine the likelihood that the driver is DUI. If it is determined that the driver is possibly DUI, the BPD will be contacted and requested to take over the investigations. The CSUB officer conducting the preliminary investigation will provide a written report to the responding BPD officer detailing his/her actions and observations leading to the detention and the notification of the BPD. Refer to letter of understanding amendment number LOU1719 for further details.

514.2 POLICY
The California State University Bakersfield, Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California’s impaired driving laws.

514.3 INVESTIGATIONS
Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

514.4 FIELD TESTS
The Operations Sergeant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS
A person is deemed to have consented to a chemical test or tests under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).
Impaired Driving and Evidence Collection

(e) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)).

514.5.1 CHOICE OF TEST
A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.2 BREATH TEST
The Operations Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Operations Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

514.5.3 BLOOD TEST
Only persons authorized by law to withdraw blood shall collect blood samples (Vehicle Code § 23158). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.
Impaired Driving and Evidence Collection

514.5.4 URINE TESTS
If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen (Vehicle Code § 23158(i)).

The collection kit shall be marked with the person's name, offense, California State University Bakersfield, Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

514.6 REFUSALS
When a person refuses to provide a viable chemical sample, officers should:
(a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).
(b) Audio-record the admonishment and the response if practicable.
(c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6.1 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:
(a) A search warrant has been obtained; or
(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's blood stream. Exigency can be established by the existence of special facts such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.2 FORCED BLOOD SAMPLE
If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:
(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practicable.
(d) Ensure that the withdrawal is taken in a medically approved manner.
Impaired Driving and Evidence Collection

(e) Ensure the forced withdrawal is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances:
   1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
   2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
   3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.
(b) The person is observed in or about a vehicle that is obstructing the roadway.
(c) The person will not be apprehended unless immediately arrested.
(d) The person may cause injury to him/herself or damage property unless immediately arrested.
(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.7.2 STATUTORY WARNING

An officer requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.7.3 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

514.7.4 PRELIMINARY ALCOHOL SCREENING FOR MINORS

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the
Impaired Driving and Evidence Collection

Presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.7.5 OFFICER RESPONSIBILITIES
The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

514.8 RECORDS SECTION RESPONSIBILITIES
The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS
The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Section should forward this to the prosecuting attorney as part of the case file.

514.10 TRAINING
The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney’s office and update training topics as needed.
Traffic Citations

516.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.1.1 TRAFFIC CITATIONS PHILOSOPHY
It is the philosophy of the California State University Police Department to seek compliance in relationship to parking regulations thus avoiding utilizing enforcement efforts and writing citations.

516.1.2 PARKING ENFORCEMENT
All Patrol Officers are expected to enforce parking violations. Enforcement methods can be in the form of warnings or citations as indicated in section 500.3.1 and section 500.3.2

516.2 RESPONSIBILITIES
The Operations Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council and final approval by the Chief of Police.

The Department Operations Sergeant shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS
Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to a sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the sergeant may request the Lieutenant to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Lieutenant for review.

516.4 VOIDING TRAFFIC CITATIONS
Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation.
Traffic Citations

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a notice of correction (TR-100) form to his/her immediate supervisor. The supervisor will submit the citation and notice of correction form to the court having jurisdiction and a copy of the notice of correction form to the recipient of the citation. A copy of the citation will be forwarded to the Lieutenant for review.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.7.1 APPEALS

A. Appeal Guidelines:

It is the philosophy of the California State University Police Department to seek compliance in relation to parking regulations thus avoiding utilizing enforcement efforts and writing citations. However, it is not unusual for individuals to receive citations for violations and some of those that receive a citation may appeal their citation if they feel it is unwarranted. With the philosophy of seeking compliance for parking regulations, it is not unusual that a certain amount of citations, under certain circumstances, be dismissed once additional information is received from the appellant. Below is the general framework of when citations may be dismissed. This is not an exhaustive or final list. As unforeseen circumstances and/or considerations may dictate that a citation be dismissed which doesn’t necessarily fall into the below categories.

a. When an appellant can prove they have a valid permit and failed to display the permit properly for that day. The appellant should not have repeat offenses of this type of appeal.

b. If the appellant has a verifiable event that could impact the reasons why the citation was issued. For example, if an emergency developed which prevented the appellant to correct the parking action for which the citation was issued, the emergency, (in the opinion of the reviewer) could justify the dismissal.

c. If the citation was issued in error of campus regulations or laws.

d. If the evidence does not support the citation or the evidence is not of high enough quality to support the citation.

e. If there is validated information that some confusion or miscommunication occurred and it is in the best interest of fairness to dismiss the citation, providing this is not be a repeat offense.

f. If the citation has been directed to be dismissed by a higher authority (President, Chief of Police, etc), the higher authority will be identified in the summary of the appeal process along with a the reason for dismissal.
Traffic Citations

To ensure accountability and transparency, and realizing that each appeal has a certain amount of subjectivity involved, each quarter, the Lieutenant and/or Chief will assess at least 5 dismissals per quarter and check for validity and how the above framework was applied to the dismissal process.

B. Appeal Stages:

Appeals may be pursued sequentially at two different levels:

(a) Administrative reviews are conducted by the Administrative Sergeant, or designee, who will review documentary data. Requests for administrative reviews are available via the internet. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal may be mailed to the current mailing address of the processing agency or submitted online.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees from the Bakersfield Police Department review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

516.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.
Traffic Citations

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.
Disabled Vehicles

520.1 PURPOSE AND SCOPE
Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITY
When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE
In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS
Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
When assigned to a case for initial or follow-up investigation, officers shall proceed in a timely manner with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED
Employees are not authorized to recommend to the District Attorney, University Counsel, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney’s Office or University Counsel only as authorized by the Chief of Police.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS
Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Operations supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.
Sexual Assault Victims' DNA Rights

602.1 PURPOSE AND SCOPE
Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY
Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)).

(a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.2.2 OFFICER RESPONSIBILITY
Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a or 289, the assigned officer shall accomplish the following:

(a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).

2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

(a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).
Sexual Assault Victims’ DNA Rights

(b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned Corporal should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

(c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned Operations Sergeant shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

602.4 VICTIM NOTIFICATION OF DNA STATUS

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:

1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.

2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.

(c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and e-mail address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No officer shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.
Eyewitness Identification

604.1 PURPOSE AND SCOPE
This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS
Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY
The California State University Bakersfield, Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES
LIMITED ENGLISH PROFICIENCY Eyewitness identification Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM
The Investigations supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):
Eyewitness Identification

a. The date, time and location of the eyewitness identification procedure.
b. The name and identifying information of the witness.
c. The name of the person administering the identification procedure.
d. If applicable, the names of all of the individuals present during the identification procedure.
e. An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
f. An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
g. If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
h. An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
i. A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
j. A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
k. Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

604.6 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:
Eyewitness Identification

a. Obtain a complete description of the suspect from the witness.
b. Assess whether a witness should be included in a field identification process by considering:
   1. The length of time the witness observed the suspect.
   2. The distance between the witness and the suspect.
   3. Whether the witness could view the suspect’s face.
   4. The quality of the lighting when the suspect was observed by the witness.
   5. Whether there were distracting noises or activity during the observation.
   6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
   7. The length of time that has elapsed since the witness observed the suspect.
c. If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
d. When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
e. The person who is the subject of the show-up should not be shown to the same witness more than once.
f. In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
g. The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
h. If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.7.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.7.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).
Brady Material Disclosure

612.1 PURPOSE AND SCOPE
This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called Brady information) to a prosecuting attorney.

612.1.1 DEFINITIONS
Definitions related to this policy include:

Brady information - Information known or possessed by the California State University Bakersfield, Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY
The California State University Bakersfield, Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the California State University Bakersfield, Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION
Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

612.4 DISCLOSURE OF PERSONNEL INFORMATION
Whenever it is determined that Brady information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:
Brady Material Disclosure

(a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of Brady information in the officer's personnel file.

(b) The prosecuting attorney should then be requested to file a Pitchess motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant Brady information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.
Chapter 7 - Equipment
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.1.1 EQUIPMENT INVENTORY
The Administrative Sergeant will be responsible for maintaining an equipment inventory.

The inventory will include but not limited to the following:

Patrol vehicles and the contents
Officer issued equipment and weapons
Parking equipment such as signs and barricades
Computers, including lap tops and tough books
Other equipment decided by the Administrative Sergeant

A quarterly inventory will be conducted of all equipment confirming location and operability. The Administrative Sergeant will designate the persons responsible for the quarterly inventory.

700.2 CARE OF DEPARTMENTAL PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.
Department Owned and Personal Property

700.2.1 REPAIR OF DAMAGED UNIFORMS

(a) When the uniform or personal equipment is damaged in the performance of official duties, it may be possible for the department to secure reimbursement from citizen(s) causing the damage. Such information shall be included in case reports and forwarded for appropriate action.

(b) When a uniform or equipment is damaged by a citizen incident to an arrest, the damage shall be included in the arrest report. The Officer should bring this to the attention of the Deputy District Attorney handling the case so that an effort may be made to have the court order the citizen to make reimbursement.

(c) When damage occurs as a result of the employee's own negligence or from normal wear and tear, the responsibility for replacement rests with the employee.

(d) Employees may request the department replace damaged uniforms by memorandum to via chain of command the Chief of Police. The employee should set forth the justification, which will rebut any possible evidence of negligence. All such requests should be accompanied by any reports or other information relative to the incident.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Lieutenant, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.
Department Owned and Personal Property

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the State, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Lieutenant.
Personal Communication Devices

702.1  PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2  POLICY
The California State University Bakersfield, Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3  PRIVACY POLICY
Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.
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Personal Communication Devices

702.4 DEPARTMENT-ISSUED PCD
Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD
Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.
(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
(c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.
(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
(g) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers for the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.
Personal Communication Devices

702.6 USE OF PERSONAL COMMUNICATION DEVICES
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
(b) All PCDs in the workplace shall be set to silent or vibrate mode.
(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
(e) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
(f) Employees will not access social networking sites for any purpose that is not official department business.
(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISORY RESPONSIBILITIES
Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

702.8 USE WHILE DRIVING
The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE
Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that
Personal Communication Devices

Sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects
(b) Hostage situations
(c) Mobile Command Post
(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
(e) Major political or community events
(f) Investigative stakeouts
(g) Emergency contact with an allied agency or allied agency field unit
(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available
Vehicle Maintenance

704.1 PURPOSE AND SCOPE
Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Notify a supervisor as soon as practical either verbally or in writing.

704.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Crime Scene Barricade Tape
- First aid kit, CPR mask
- Blood-borne pathogen kit, Incl. protective gloves
- Sharps container
- Hazardous waste disposal bag
- Traffic Safety Vest
- Evidence collection kit, including fingerprint bags and evidence seizure supplies
- Measuring devices
- Water
- AED
- Entry tools
- Fire extinguisher
- Camera

704.3.2 ELECTRIC PATROL VEHICLES (P1,P2,P4)
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- First aid kit
- Fire extinguisher
- Bottle of water (used for extinguishing small ash tray fires)
**Vehicle Maintenance**

**704.4 VEHICLE REFUELING**
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than half tank of fuel. Vehicles shall only be refueled at facilities however may be refueled at authorized location if special circumstances exist.

**704.5 WASHING OF VEHICLES**
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one unit should be at the car wash at the same time.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

Vehicles should be vacuumed when needed.

**704.6 NON-SWORN EMPLOYEE USE**
Non-sworn employees are generally prohibited from using a marked patrol vehicle however if needed the use must be approved by the Lieutenant. Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Vehicle Use Policy

705.1 PURPOSE AND SCOPE
The Department utilizes State owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure State owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "State owned" as used in this section also refers to any vehicle leased or rented by the State.

705.2 USE OF VEHICLES
All CSUB Officers must complete the CSUB defensive drivers course prior to operating a CSUB owned or leased vehicle.

Refer to the State Vehicle Driver Training Program Policy (Safety and Risk Management web site)

705.2.1 PATROL VEHICLES ASSIGNMENTS
Personnel assigned to routine scheduled patrol duties shall notify the Communications Center that they are in service and when their shift is complete they will advise dispatch that they are 10-7 or off duty. Personnel will log on with the vehicles assigned department identification number and the current mileage of the vehicle.

Employees shall be responsible for inspecting the interior and exterior of any the patrol vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

705.2.2 UNSCHEDULED USE OF VEHICLES
Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify a supervisor of the reasons for use.

705.2.3 AUTHORIZED PASSENGERS
Personnel operating department owned vehicles shall not permit persons other than State employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

705.2.4 PARKING
State owned vehicles should be parked in front of the UPD building. Employees shall not park privately owned vehicles in front of the UPD building unless authorized by the lieutenant or above. Privately owned motorcycles shall be parked in designated areas.

705.2.5 ELECTRIC VEHICLES
There are three electric patrol vehicles and one electric parking vehicle. These electric vehicles are intended for the use of the CSUB police department personnel only and shall not be loaned or driven by anyone other than approved personnel except in an emergency or on approval by the Chief of police. These vehicles are assigned as an alternative means
Vehicle Use Policy

of patrol and an expectation exists that these vehicles will be used by all members of the department when appropriate.

Citizen Service Officers are prohibited from driving the electric vehicles unless approved by the Chief of Police or his designee.

Personnel are prohibited from providing rides in the electric vehicles unless an emergency or approved by the on duty supervisor.

The electric vehicles are not to be driven on the bike paths unless in an emergency.

Sidewalks and pedestrian areas should be avoided however these areas may be used when clear of pedestrian traffic and safe to do so.

The use of the electric vehicles is encouraged as a means of:

(a) Improving patrol tactics

(b) Community oriented policing tactics

(c) Reducing mileage on the other more expensive and polluting patrol vehicles

(d) Decreasing the carbon footprint of the Police Department.

705.3 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned patrol vehicle. (Assigned patrol vehicle refers to the patrol vehicle currently being used by the Officer)

1. Employees may use the wash rack located at Facilities Management.
2. Employees may use an approved car wash.
3. Employees may use the work release participants. Work release participants will not be left alone while cleaning the interior of any vehicle unless all equipment including: weapons, spare radios, cameras, flashlights, contraband, etc. have been removed. A search of the interior of the vehicle must be conducted prior to allowing the work release participants to clean the interior of the vehicle.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the maintenance shop.

(d) If a vehicle needs repairs, notify a Sergeant so the appropriate work order can be filled out and the vehicle taken to the shop for repairs. Vehicles requiring warranty service shall be taken to the nearest authorized dealer via facilities after receiving clearance from a supervisor.

(e) Sergeants shall make at minimum, monthly inspections of the patrol vehicles to ensure the vehicles are being maintained in accordance with policy.

705.3.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without approval from the Chief of police.
Vehicle Use Policy

705.4 ACCIDENT DAMAGE, ABUSE, AND MISUSE

(a) When a CSU Bakersfield Police Department vehicle is involved in a traffic collision with another vehicle, an outside agency of authority will be requested to investigate the cause and responsibility. Single vehicle accidents may be investigated by a supervisor. The employee involved in the collision shall complete the State provided vehicle accident form. If the employee is incapable, the supervisor shall complete the form.

(b) Any damage to a vehicle, not caused by a traffic collision, shall be immediately reported within the shift in which the damage was discovered, documented in a report and forwarded to a sergeant.

(c) An administrative investigation will be conducted to determine any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.
Chapter 8 - Support Services
Communication Operations

802.1 PURPOSE AND SCOPE
The University Police Department Communications/Dispatch Center is the main control center for all ongoing operations of the Department. The basic purpose of the Communications Center is to satisfy the immediate information needs of the Department throughout normal daily operations and during emergencies. The purpose of this order is to outline the functions, procedures and responsibilities of the communications center and its personnel.

802.1.1 FCC COMPLIANCE
California State University Bakersfield, Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS
The Department's communications center will provide communication with the university as well as radio, telephone, and electronic access to local, state and federal law enforcement agencies. Security and fire alarms throughout the University are monitored by the University Police Communications Center on-duty dispatcher.

The police, parking, and community service officers on duty have access to the Communications Center through the use of a mobile or portable radio unit. This department provides telephone service to the public for information or assistance that may be needed in emergencies. Non-emergency phone lines shall still be answered by department staff. The ability of citizens to telephone quickly and easily for emergency service is critical. This department has two-way radio capability providing continuous communication between the Communications Center and officers.

802.2.1 COMMUNICATIONS LOG
It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity into the RIMS system. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

• Case/incident number
• Date and time of request
• Name and address of complainant, if possible
• Type of incident reported
• Location of incident reported
• Identification of officer(s) assigned as primary and backup
• Time of dispatch
• Time of the officer's arrival
• Time of officer's return to service
• Disposition or status of reported incident
Communication Operations

802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of all University Police field personnel, their locations and the nature of cases.

802.3.1 OFFICER IDENTIFICATION

The identification system is based on officer identification numbers. Employees should use the entire call sign when initiating communications with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

- The Department's Base Station is identified by the assigned radio call CONTROL
- The administration are assigned an "ADAM" number, Sergeants are assigned a "ROBERT" Number, Corporals are assigned a "CHARLES" number, Patrol Officers are assigned a "BAKER" Number, Parking Officers are assigned "PAUL" and Community service Officers a "DAVID" number and senior community officers a "SAM DAVID" number
  - Number A1 - Chief of Police
  - A2 - Lieutenants
  - A3 - Administrative support assistant
  - R1 to R99 - Sergeants
  - C1 to C99 - Corporals
  - B1 to B99 - Patrol Officers
  - P1 to P99 - Parking Officers
  - D1 to D99 - Community Service Officers
  - Dispatchers will be assigned call signs (COM 1 to COM 99).

802.3.2 RADIO PROTOCOL

Due to the constant use of radio and telephone equipment in the Communications Center, it is imperative that all Federal Communications Commission Rules are followed. "Obscenity, indecency, profanity" violations will be enforced. Part of the FCC obscenity rule states: "No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language or meaning." Professional communications personnel have an obligation to refrain from harsh, violent, coarse, profane or insolent language while on duty.

Additionally, information shall be given carefully, courteously, and accurately upon request. It shall also be noted, that while a professional demeanor is expected, Communications Personnel shall not become the recipients of any direct verbal abuse or harassment while taking phone calls. However, Communications Personnel need to be aware that many times people will become upset and use profanity while trying to get the attention of the dispatcher to convey the emergency situation. This must not be confused with acceptance of any form of verbal abuse or harassment.

In order to maintain the confidentiality of the information exchanged over the radio, the radio volume shall be set at such a level so that individuals in the UPD lobby cannot hear the information exchanged.
**Communication Operations**

**802.4 CONFIDENTIAL INFORMATION**

Frequently, Communications Personnel receive information, which is not intended for the eyes or ears of others. This confidential information is to be treated as such and will not be divulged to any other person(s), except to authorize personnel in the performance of their duty. All CLETS and CAD/RIMS system passwords are to be kept confidential and not shared with any other employee or member of the public. Misuse of the CLETS terminal information may violate state law and can result in disciplinary actions and/or criminal prosecution.

**802.5 SAFETY**

- Conduct work in a manner that promotes the safety of coworkers, field personnel, and the public.
- Follow radio and dispatch policy and procedure guidelines and as directed by supervision.
- Maintain the status of field personnel at all times.
- Use information available from briefings, daily logs, and shift activity to aid others to avoid undue risks.
- Avoid loud and/or lengthy conversations and loud background noises, or other distracting activities that can interfere with dispatching and call taking. These types of disruptions can compromise the safety of personnel in the field and the campus community.

**802.5.1 UNAUTHORIZED PERSONS/SECURITY**

The Communications Center contains confidential information, pending police investigations, criminal history, and other confidential restricted information.

Access to the Communications Center will be limited to:

1. Permanent, temporary, and relief dispatchers (patrol officers serving as dispatchers).
2. Sworn officers.
3. Shift supervisors.
4. On-duty officers with legitimate business.
5. Authorized equipment service technicians and custodians.
6. Civilian observers as approved by the, Lieutenant or Chief of Police.

No individuals without job related business will linger in the communications center.

No non-departmental employees or visitors are authorized to be in the communications center.

**802.6 CALLS FOR SERVICE**

Officer(s) and/or a Sergeant will be notified immediately of all calls in-progress involving Threat to Life or Property.

The University Police receive the following types of calls for service:

**In-progress** - this type of call would be where a crime is being committed and the suspect is still in the area.

**PRIORITY 1: Dispatch immediately (Crime against Person) If officer is unavailable, advise him/her of the call holding and the circumstances involved or notify the on-duty Sergeant.**

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- Medical/Injury "" these are calls where any type of medical assistance is needed. Dispatch immediately if medical aid is en route or advise officers that the call is holding. Dispatch Parking Personnel or a CSO(s) if available to the entrance closest to the emergency to direct in the ambulance and/or Fire Department.

- Just occurred "" this type of call would be where a crime has been committed, the suspect and location is unknown, and occurred within the last 15-30 minutes. Dispatch officer when available and/or broadcast any officer safety information.

**Priority 2: Dispatch within 5 minutes or sooner (Crime against Property)**

Past - this type of call has already happened and the suspect is no longer in the area. Dispatch officer when available.

**Priority 3: Dispatch within 10 minutes or sooner (Past/Cold Calls)**

Assistance - this type of call would be for either Police/Parking/CSO assist with vehicle/door unlock, battery jump, questions, directions, how to handle a ticket, etc. Examples and definitions of other calls for service: Dispatch priority shall be Community Service Officer, parking officer and then Police Officer.

(a) ROOM UNLOCKS - A request to open a door to a classroom and/or office.
(b) VEHICLE BATTERY JUMPS - A request to start a vehicle due to a dead battery.
(c) SAFETY ESCORTS - A request for an escort to a destination due to safety concerns. These types of escorts will be handled by a CSO or a Police Officer if a CSO is not available.

802.6.1 RIMS ENTRY- DISPATCHING CALLS TO FIELD PERSONNEL

RIMS, a form of Computer Aided Dispatching, requires real time entry of all information. To maintain accuracy and consistency of information to insure the safety and security of all involved parties, dispatchers will immediately enter information for calls for service into the RIMS system, and will, as much as possible, refrain from writing down the information on paper and transferring it later. All other information necessary, either by phone or radio will also be immediately entered into the RIMS system.

802.6.2 IN-COMING PHONE CALLS/ WALK-IN TRAFFIC

Phone Procedures:

The following priority shall be observed:

1. Answer all 911' s first and within 3 rings.
2. Answer nonemergency lines next.

**Any emergency call is handled first before going to your next call.**

- Answer emergency and non-emergency phones within 3 rings.
- Business lines shall be answered, "University Police, may I help you"
- 911 calls shall be answered, "911, what is your emergency?"
  - Control the call. This means: Gather all appropriate information to complete the call screen within the RIMS system. Elicit information as needed for officer effectiveness on the call, and for officer and citizen safety. Do not misclassify a call in a way that would jeopardize life or property. The average elapsed
Communication Operations

Time from answering the phone to the completion of calls into the RIMS system should not exceed 90 seconds.

- For emergency calls, if you must place a caller on hold, make contact at 30 second intervals.

Walk-In Traffic:

The following priority shall be observed:

1. Emergency Walk-Ins (Victims reporting a crime in progress, victim with an injury, etc.)
2. All other walk-in traffic (non-emergency)

**Any radio traffic and/or emergency calls supersede all nonemergency walk-in traffic. Persons in the lobby will wait until the dispatcher is clear from the radio and/or emergency call. Should the dispatcher be involved with a customer at the window when radio traffic and/or emergency call is received, the dispatcher shall politely excuse themselves from the window to handle the emergency. **

802.6.3 MEDICAL AID CALLS

Medical aid calls are to be entered into the RIMS system immediately. When it has been determined that there is a medical need, or paramedics/fire personnel have been requested, dispatch an ambulance and the Fire Department immediately.

Dispatch responsibilities:

1. Ask if the victim is conscious, breathing, bleeding, or has any broken bones (to be noted in the RIMS call screen.)
2. Create a call in the RIMS system.
3. Dispatch an officer to the call immediately.
4. Transfer the caller using this format:
   (a) Identify yourself: "University Police with an EMS transfer."
   (b) Provide address and location of the patient
   (c) Provide cross street
   (d) Provide phone number of the calling party
   (e) Advise of reported problem/nature (basic)
   (f) Advise whether first responders are en route (fire or law enforcement)
   (g) Announce the RP: "Mary you may go ahead with the medical dispatcher."

Ensure the connection was successful and then disconnect.

5. Call and request the Bakersfield Fire Department.
6. Dispatch units (CSO's or Parking Officer) to the entrance closest to the emergency for guiding in the ambulance and/or the Fire Department.
**Communication Operations**

7. Update officer(s) with any information pertinent to the incident.

**Dispatchers shall not give out medical advice.**

**802.6.4 ELEVATOR PHONES/RESCUE**

All elevator phones on campus will ring into the communications center. During normal business hours, in the event of a trapped individual in any campus elevator, report the incident to Facilities Management immediately and obtain an estimated time of arrival (ETA) for a Facilities Building Service Engineer(s). Facilities Management will be responsible to dispatch a Facilities Personnel and the Elevator Maintenance Contractor.

After hours use the Facilities Management callout list and advise a supervisor that Facilities Personnel are needed immediately. Dispatch may contact the Bakersfield Fire Department for emergency evacuation assistance, as needed.

**802.6.5 FIRES ON CAMPUS**

Dispatch will notify officer(s) and/or a Sergeant of any fire on campus immediately.

- If it is involving a campus building, no building will be reoccupied until approval has been given from the fire department or the State Fire Marshal.
- It is the responsibility of the dispatcher to call the fire department upon notification of any fire or activation of the alarm system for any reason other than fire drills. [Title 19, California Code of Regulations, Chapter One, Article 3, Section 3.13 (a)(2)]
- The officer arriving on scene will confirm if the fire department is needed and notify the dispatcher.
- In the event of a confirmed fire, the State Fire Marshal must be notified through dispatch. Fire Alarms during Testing / Maintenance
- During long term testing or maintenance of the fire alarm system, the Facilities Management will arrange personnel to monitor 24/7 for a potential fire. (This is called "Fire Watch").
- During short term testing or maintenance of the fire alarm system, the individuals working in the building and/or the individuals working on the fire alarm system are considered to be on "Fire Watch".

**802.6.6 BLUE LIGHT EMERGENCY PHONES**

All blue light emergency phones on campus will ring into the communications center on an emergency line. In the event of an emergency phone activation an officer will be immediately dispatched to the phone’s location.

**802.6.7 OUT OF JURISDICTION CALLS**

When an Emergency call is received where the caller is not in CSUB jurisdiction and the call was not transferred from another Public Safety Answering Point (PSAP).

(a) Confirm with caller’s the location from which the call was made and that the service jurisdiction belongs to another PSAP.

(b) Obtain all pertinent information to assure the dispatcher can relay all known data to the agency of jurisdiction, if contact with the caller is lost.

(c) Transfer the call to the correct PSAP. Utilize the single button transfer method to transfer the call.
Communication Operations

(d) Complete a 911 misrouted form and submit to the Dispatch Supervisor for forwarding to the County 911 Coordinator.

- Under no circumstance will a dispatcher fail to assist a caller reporting an emergency, despite jurisdiction.

802.6.8 OFFICER INJURED OR KILLED ON DUTY
Immediate notification will be made to that person's immediate supervisor. No other information shall be released to any person other than those authorized by a supervisor. If unable to contact supervisor, then the chain of command will be followed until notification is made.

802.6.9 FACILITIES MANAGEMENT CALL-OUTS
All calls, after hours, for Facilities Management shall be verified by on duty police personnel prior to any type of notification. Dispatchers shall follow the most current callout procedures.

802.6.10 ROOM UNLOCKS
Request for room unlocks are divided into two types and the on-duty dispatcher will determine the type of admit by asking the caller what type of room/area needs to be opened.

(a) Public Access Area - (Classrooms, labs, meeting rooms, building main entrance doors, etc.) The dispatcher will obtain the name of the person requesting admittance, the reason for access, the location of the admittance, the name of the person authorizing entry into that location and will create a "Call for Service" in the RIMS system. The call will be dispatched to a CSO and then a Police Officer if there are no CSO's available. If there are not officers available, the dispatcher will advise the caller of the delay and that the first available officer will be dispatched to respond for the request as soon as someone is available.

(b) Private Access Area - (Private offices, computer rooms, mechanical rooms, etc.) The dispatcher will handle this type of "Room Unlock" as a request into a restricted area. The responding UPD personnel will request identification from the person requesting the room unlock and will verify the name and the reason with dispatch. If a person is requesting admittance into a private area, but does not have a satisfactory reason or they do not have the proper identification, the admittance will be denied. Prior to the unlock, written authorization in the form of an email or other communication must be received by University Police specifying who is authorizing entry into the specific location and who is allowed into the named location.

802.6.11 RESTRAINING ORDERS
All Emergency Protective Orders issued by the Department will be given a case number and will be stored with all Police Records in the Restraining Order binder. All subsequent court documents (proof of service, OAH, extensions, etc.) will be added to the initial police report in the form of a supplemental report, to be taken by a police officer. Any CLETS/NCIC entries or updates will be copied to the report as a supplemental.

Copies of Restraining Orders not issued as the result of a University Police case, may also be kept on file in the same manner.

Dispatch responsibilities:
Communication Operations

All Restraining/Protective Orders need to be entered into the ROS (Restraining Order System, within CLETS), normally done by the courts or the original Police Department where the protected person resides. If not, then enter the information into CLETS immediately.

802.6.12 PARKING RELATED MAINTENANCE REQUESTS

In order to maintain a maintenance record for permit dispensers and meters in all parking lots, ALL maintenance requests are to be logged into the RIMS system with the type code of "TCKRPR" for ticket machine repair. This includes all self-initiated maintenance and calls reporting malfunctioning meters and/or permit dispensers. (i.e. A caller reports a permit dispenser malfunction, a CSO states he will be working with a meter in a specified lot, etc.) All notifications and further information received from the Parking Officer or CSO will be documented in that incident.

802.6.13 CASE NUMBERS

No case numbers shall be issued from the RIMS system unless requested by the individual taking the report.

- Bootable Vehicles- Case numbers for bootable vehicles are to be pulled by a CSO, Parking or Police Officer only.
- Found Property- Case numbers for found property are to be pulled by a CSO or Police Officer only.

802.6.14 TELETYPES

All CLETS/NCIC entries, modifications, cancellations, locates, recoveries, etc., require a second party validation as required by DOJ. Regardless of type, all CLETS/NCIC records must be printed and initialed by both the person who entered it and a staff member who performed the second party validation. Once this is complete, place it in the CLETS Entry Log. These records will be retained for one year.

- CLETS will be monitored at all times.

802.6.15 MANUAL DISPATCHING

In the event that the RIMS system is down, dispatch will convert to manual dispatching. Dispatch will also utilize the manual case log sheets. The on-duty dispatcher will log in to the RIMS system when it is back up and operational and enter the calls taken while it was down, adding notations of the times to reflect when they were actually taken.

802.6.16 VOICE RECORDING SYSTEM

The Department's Communications Center has in place a voice recorder system that is capable of immediate play-back of recorded telephone and radio conversations while it maintains a continuous recording of all radio transmissions and emergency telephone conversations.

(a) All radio and emergency telephone conversations are continuously recorded within the Communications Center and are available for immediate playback.

(b) All phones (except 9-1-1 phones) and radios are recorded and kept on a hard drive for a minimum of 120 days. 9-1-1 calls are kept for 30 days active and two year inactive.

(c) Procedures for copying, transcribing or replaying recorded radio/telephone conversations are as follows:
Communication Operations

1. The Court, District Attorney or Department supervisor requesting a copy or transcription of an incident under investigation involving any recorded radio/telephone conversation will submit the request in writing indicating the incident number.

2. Signed approval of a Police management officer is required. This document of authorization will become a permanent part of the investigation and filed with any supporting documents.

3. The Sergeant will record and provide an unadulterated copy of the authorized radio/telephone conversation.

4. No copy or transcription of any recorded radio/telephone traffic will be released to the public or media without the express permission of the Chief of Police.

802.7 ACTIVE ALARMS

All alarms received, requiring a police response will be placed as a call in the RIMS system and an officer sent for investigation immediately.

- Security Alarms - Attempt to contact the department/desk where the alarm originated from immediately and update the officer and the RIMS system with any pertinent information.
- Fire Alarms - Attempt to contact the department or building floor where the alarm originated from immediately and update the officer and RIMS with any pertinent information.
  - Campus Housing - When a fire alarm is activated within the campus housing area, immediately contact the Housing Office to have an RA meet with the officer at an area specified by the officer.

802.7.1 MONITORING AND CANCELING OF ALARMS

Do not acknowledge or silence any fire alarms until the cause has been determined, (i.e. accidental, custodial, etc.) If a fire alarm is acknowledged or silenced, it will turn off the audible alarm at the location.

Security alarms can be acknowledged as soon as a call has been entered into the RIMS system. The call can be cleared in RIMS if the party that set off the alarm has been contacted and provides a valid reason for setting off the alarm.

The on-duty dispatcher will be responsible for monitoring all campus alarms and clearing them out of queue.

- Alarm Software - The Alarm Software will remain running at all times. It will be the responsibility of the on-duty dispatcher to insure the system is currently up and running. If it is malfunctioning in any way, contact the Communications Center Operations Supervisor and Facilities Management immediately.
- Facilities Management is responsible for all updates and modifications made within the campus alarm software.

802.8 WORK HABITS

Good work habits are essential to achieve and maintain a reasonable focus on getting departmental work accomplished.
**Communication Operations**

- Consistent with the current CBA (Collective Bargaining Agreement), all breaks, including a 30-minute meal period during your scheduled shift shall be scheduled and approved by the appropriate administrator at or near the middle of the work shift, taking staffing and department needs into consideration.
- On-duty dispatchers are required to eat their meals at an approved location at their work station unless they receive approval from the appropriate administrator.
- During break periods, staff shall conduct personal phone calls away from the reception windows and so that it does not interfere with department operations.
- Communications Center personnel are expected to complete all assigned duties prior to the end of their shift.
- Notify the Communications Center Operations Supervisor of any problems or work that was unable to be finished and the reason why.
- Follow the chain of command.
- At the end of your shift leave your work area in a clean, neat condition, free of debris, food and drinks.

**802.8.1 INTERNAL RELATIONS**

- Consistent with the current CBA members of this Department may pursue formal or informal methods for reporting allegations of violations, misapplication, or misinterpretation of a specific term(s) of the current CBA and/or CSU policy governing work.
- Members of this Department are expected to conduct their work in a way that supports the agency's effort to serve the campus community and the public as professionally and as safely as possible.
- When differences arise, employees are expected to constructively handle them so that behaviors facilitate work and do not become disruptive.
- Treat others with respect and do not engage in name-calling, sarcasm, rumor spreading, ridicule, barbed jokes or other behaviors that would tend to insult and/or demean other employees or members of the public.

**802.8.2 EXTERNAL/PUBLIC RELATIONS**

- Members of this Department are expected to conduct their work in a manner that fosters good public relations and avoid behaviors that produce, or are likely to produce, patterns of complaints or claims.
- Show a genuine interest by using voice intonations usually associated with interest rather than curtness or disregard.
- Avoid sarcasm, profanity, derogatory remarks.
- Provide accurate information as appropriate. If you cannot answer the question, ask your supervisor or refer the party to someone who can assist.
- Refer any external requests outside of the normal situation to Public affairs via the Chief of Police.

**802.9 EQUIPMENT USE AND MAINTENANCE**

Members of this Department are expected to use and maintain agency equipment in a manner that is most likely to assure good working order and appearance. Should equipment become defective, notify your supervisor immediately, or as soon as reasonably possible.
Communication Operations

State law restricts the use of state resources for personal purposes, campaign activity and any other purposes which are not authorized by law. State resources include vehicles, supplies, office space, computers, telephones and other equipment owned by the state.

Personal usage of state resources and campaign activity that are not minimal or incidental are prohibited.

802.10 STAFFING

Due to the critical nature of staffing a communications center, dispatch personnel shall be responsible for reporting an absence to the appropriate department administrator as soon as possible. It is the Communications Center Operations Supervisor responsibility to immediately complete the appropriate attendance form and find coverage for the next shift or the shift in question. All sick leave requests must be made at least three hours before the employee’s scheduled shift. The requesting employee will directly contact a supervisor via the chain of command. This also applies if the employee is already on-duty with the exception of the three hour advance notice.

- The on-duty dispatcher shall conduct their work at the main dispatch station and be responsible for primary dispatching and reception duties. Regardless of work station and/or assignment, checks and sensitive/confidential information shall be kept out of view from the public.
- It is the responsibility of the dispatcher going off-duty to brief the dispatcher coming on-duty thoroughly and completely. The dispatchers coming on-duty should arrive in a timely manner, so the previous shift is not held over in an attempt to pass on information.

802.10.1 EVACUATING THE COMMUNICATION CENTER

The dispatch area of the Communications Center will not be vacated at any time, except for emergencies and evacuation of the Department/Communication Center. A dispatcher may only leave their station when properly relieved by another trained dispatcher. If a dispatcher leaves the center for any emergency condition affecting health, safety or the physical condition of the building, the Communications Center Operations Supervisor or on-duty Sergeant shall be immediately notified. If unable to reach the Communications Center Operations Supervisor, messages will be left on voicemail and the on-duty officer and/or Sergeant will be notified.

802.10.2 OVERTIME AND VACATION REQUESTS

- Overtime slips shall be completed and submitted to the appropriate supervisor prior to the end of each employees shift. The State of California establishes paydays which are published on the CSUB calendar, available on the CSUB Website. The calendars will be noted with a symbol (white square with a circle inside) which reflect paydays. Checks will be available for pick up after 1500 hours of that day, unless it falls on a weekend. Differential, paid overtime, or holiday pay will be paid out on the 15th of the month, unless it falls on a weekend.
- Vacation Request forms will be submitted via the chain of command at least twenty-one (21) days in advance. Requests for five (5) days or less submitted with less than 21 days notice will considered subject to operational needs.
Communication Operations

802.10.3 SHIFT SCHEDULE

(a) SHIFT SCHEDULE & ROTATIONS - responsibility for establishing and maintaining the schedule is assigned to a designated department employee by the Communications Center Operations Supervisor. Shifts and rotations will be determined by operations needs and comply with the current Collective Bargaining Agreement (CBA) but will generally rotate every three months in January, April, July and October.

(b) REQUESTS FOR SHIFT TRADE - requests must be submitted for review via the chain of command. Trades need to be approved prior to working the time in question. Such requests will be approved subject to operational needs.

802.10.4 CITIZEN COMPLAINTS

All complaints will be handled in accordance with the current CBA and applicable state law. Any member of the public requesting to make a complaint against any sworn personnel or Community Service Officer, at any time, will be directed to a Sergeant. Any complaints against dispatch personnel will be initially directed to the Communications Center Operations Supervisor. If unavailable, than take all identifying information and advise the complainant that a supervisor will contact them as soon as possible. If the complainant demands to talk with someone or if the complaint is directed against a Sergeant or the Communications Center Operations Supervisor, than immediately notify the Lieutenant. Dispatchers shall not discuss any allegations of UPD personnel misconduct with any persons other than an appropriate lead or supervisor.
Protected Information

803.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

803.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

803.2 POLICY
Members of the Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

803.3 RESPONSIBILITIES
The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

Adoption Date: 2019/09/06
803.4 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

803.4.1 PENALTIES FOR MISUSE OF RECORDS
It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION
Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Specialist for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other police department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

803.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).
Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

803.6 SECURITY OF PROTECTED INFORMATION
The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.
(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

803.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

803.7 TRAINING
All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

803.8 CALIFORNIA RELIGIOUS FREEDOM ACT
Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).
Property and Evidence

804.1 PURPOSE AND SCOPE
This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

All property coming into the possession of members of this Department shall be entered into the Department's property system and processed in accordance with policies and procedures set forth herein. Any misappropriation, unauthorized destruction, or confiscation for personal use of property or evidence coming into the possession of members of this Department shall be grounds for disciplinary action.

The Department shall comply with Penal Code Section 11108 which mandates that "serialized property which has been reported stolen, lost, found, recovered or under observation be entered directly into the appropriate Department of Justice automated property systems for firearms, stolen bicycles, stolen vehicles, or other property, as the case may be."

804.2 DEFINITIONS
All property entered into the Police Department Property Evidence Tracking System shall be classified into one of the following three categories:

Evidence Property - defined as those items which may be directly or indirectly connected to a crime. Such property has a high probability of being entered into court as evidence. This includes photographs and latent fingerprints.

Safekeeping Property - defined as those items which are not connected to a crime, but are taken for public safety or when the owner is unable to take possession of the item. Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found Property - defined as those items which have no known connection to a crime and the owner cannot be readily identified or contacted. These are usually lost or misplaced items turned over to the Police Department by a citizen.

804.2.1 FOUND PROPERTY
Procedures for processing foundsafekeeping of property is governed by Civil Code section 2090 through 2080.10. The Civil Code sections printed on the Found Property Affidavit and this chapter section shall govern the processing of found property in the Department.

All property found or kept for safekeeping by members of this department , or any property found and remitted to the custody of a member of this department , shall immediately be given a case number for a report to be completed , property processed and bar-coded. The property then should be placed into the property storage room.
Property and Evidence

The found property report will include the finder’s name and identifying information such as drivers license number, birth date, home address and phone number.

In the event the person does not want to provide their information, the report will indicate the refusal. If the found property is claimed by the owner the report will include the owner’s identifying information such as drivers license number, birth date, home address and phone number.

The report will also include a brief narrative describing the method in which the owner proved the property belonged to him or her.

If the finder of the property requests to later claim the property in accordance with California Civil Code sections 2080.1, 2080.2 and 2080.3 they must complete a Found Property Affidavit. This will allow the finder to claim the property if not claimed by the owner at the end of the retention period and after all requirements have been met by the finder.

If found property is turned over to this department is deemed unsanitary to store or poses a health hazard, it should be logged Found Property, logged out as being destroyed due to the unsanitary condition, and a supervisor notified. An example of such item would be exposed food, dirty underwear, etc.

A Sergeant will be notified of any found property of an unusual type.

Refer to section 804.6.5 for the procedure for the release of Found Property.

Items believed to have a current value of $100 or more will be booked into the property room.

Found property booking procedures:

All found property shall be packaged in a secure and neat manner to simplify handling and avoid excess clutter in the property room. All found property shall be itemized and packaged separately with an individual property sheet, except for such items containing additional miscellaneous items belonging to the same owner. (i.e. Purses, Wallets, Backpacks, etc.) The property sheet shall serve as the primary label, which is to be folded horizontally, unless impractical to do so. Packaging shall be performed in a manner to protect the property from damage.

A. Packaging Guidelines

1. Small Items (Eyeglasses, Credit Cards, ID’s, Calculators, USB drives, etc.)
   
a. Most small miscellaneous items can be securely affixed directly to the property sheet with adhesive tape. If adhesive tape is likely to damage the item, seal the property in an appropriate size disposable plastic bag and securely attach it to the property sheet.

b. The property shall be affixed to the bottom half portion of the folded property sheet.

2. Medium to Large Items (Textbooks, Binders, Laptops, Clothing, etc.)
   
a. Property shall have the property sheet directly taped or stapled to it; otherwise the property may be placed in appropriately sized disposable plastic bag or reusable Zip lock bag.

b. Property sealed in a plastic disposable bag shall have the property sheet securely attached to the outside of the bag.
Property and Evidence

c. Use of the large reusable Zip lock bags shall be limited for use with large articles of clothing, bulky items, odd shaped property, and other items which would be impractical to store via other methods. Property sheets shall be placed inside of the Zip lock bags with the property. Property sheets shall not be stapled or taped to the outside of the Zip lock bags.

3. Very Large Items (Bicycles, Computers, Chairs, Backpacks, etc.)

a. Property shall have the property sheet in a manner and place to allow sheet to be visible and readable. Property shall be immediately stored and secured in the property room

4. Money (Found Property Only)

a. Loose cash shall be counted and sealed in an envelope or sealable plastic bag.

b. Cash contained in a found wallet or purse need not be packaged separately. The wallet or purse shall be packaged as one item, with the sum of the money noted on the property sheet.

c. A Sergeant will be notified if the amount of cash exceeds $200.

804.3 PROPERTY HANDLING/ SEARCHING FOR EVIDENCE AND SECURING THE SCENE

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The release of the property will be documented in with a RIMs report. At any time in the course of any investigation, if the University Police Department determines the situation requires expertise or resources beyond its capabilities, the Bakersfield Police Department can be called upon to assist.

The assigned Officers at the scene of a crime or incident, other than cases investigated by the Bakersfield Police Department, shall make a search of the area to collect any possible physical evidence. All evidence shall be collected in accordance with the CSU Bakersfield Police Property Room Manual.

Caution should be used to prevent disturbing or damaging areas which might contain evidence which is not readily visible, such as fingerprints, stains, fibers, etc.

Officers shall protect, safeguard, and/or isolate any physical evidence to prevent contamination or alteration to such evidence. They shall keep persons not connected with the investigation away from the area containing evidence pending completion of the investigation.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. All property must be packaged and booked in accordance with the CSU Bakersfield Police Property Room Manual. Employees booking property shall observe the following guidelines:
Property and Evidence

(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property sheet and attach it to each package or envelope in which the property is stored.

(d) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(e) When the property is too large to be placed in a locker, the item may be retained in the supply room.

Evidence and property items should be packaged to prevent any damage, loss, or possible tampering. This packaging should facilitate not only security and protection of the property or evidence, but should also take into consideration size and weight of the item(s), number or amount of separate items involved, number of possible victims involved or property claimers involved, inherent hazards of the property and its handling (i.e., razor blades, knives, hypodermic needles, fighting cock spurs, etc.), actual or intrinsic value, etc.

The Property Custodian will have the "Right of Refusal" on any property coming into their possession that is not packaged properly or if labels/paperwork is not correct.

The property will be placed into the Temporary Locker. Once the corrections (s) have been made, the property is placed back into the temporary locker.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:
Property and Evidence

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
(b) License plates found not to be stolen or connected with a known crime, should be released directly to the property officer.
(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame.
(d) Money or currency will be packaged in the proper size money envelope or evidence bag and sealed. All money shall be counted separately by two (2) Police Department personnel, in the presence of each other, signed, dated, and timed by these persons and the exact amount contained within written on the envelope. Totals not confirmed must be recorded until confirmed. A supervisor shall be contacted for cash in excess of $1,000 for special handling procedures.
(e) Evidence for crime lab - Evidence and property for the Police Criminalist Laboratory will be packaged according to their operational procedures as covered in the Physical Outline, available from the Police Criminalist's Laboratory.
(f) Hazardous or destructive - Any item that is inherently hazardous or destructive by nature will be packaged properly to prevent injury or damage to persons or things (i.e., open containers of beer or other liquid, sharp-edged or sharp-pointed objects, chemical or vehicle batteries, etc.). Storage of hazard or destructive materials may be stored off site depending on the nature of the substance.

State property, unless connected to a known criminal case, should be released directly to the appropriate State department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.4 Packaging of Property

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs
(b) Firearms (ensure they are unloaded and booked separately from ammunition)
(c) Property with more than one known owner
(d) Paraphernalia as described in Health & Safety Code § 11364 and Business and Profession Code § 4140
(e) Fireworks
(f) Contraband

The following property items must always be packaged: Money or currency, personal papers and documents, small or loose items of jewelry, clothing, crime lab evidence, and any property that may be hazardous or destructive in nature.

Packaging of certain property items due to bulkiness may be optional. Examples of such items are bicycles, tool boxes, tires, or wheels.

804.4.1 Packaging Container

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.
Property and Evidence

804.4.2 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, photographed and placed in the designated locker.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property sheet shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this sheet.

804.5 RECORDING OF PROPERTY
All property coming into the possession of the Department shall be recorded in the RIMS property log by the Property Custodian or whoever is assigned this responsibility. All log entries shall be checked and compared with the item(s) for a complete description. Items shall be fully described as to quantity, size, color, brand, serial number, or identifiable characteristics. Entries and dispositions shall be affirmed by employee number and/or initials. Entry logs shall be regarded as public records and maintained

Property coming into possession of Officers of this Department shall be immediately entered into the case report (RIMS).

The following information shall be recorded for the property custodian within the case report.

(a) One of the following must be checked to show which is applicable:
   1. Evidence
   2. Under Observation
   3. Safekeeping/Found
   4. Other

(b) Case number
(c) Crime/Offense
(d) Complete description and Serial number.
(e) Location of Property, i.e., "EL1 (Evidence Locker #1), and the date and time.
(f) Property found by, the address of the finder, and the date and time it was found.
(g) Owner’s name, address and phone number.
(h) Location where property was found.
(i) Property brought in by.
(j) Received by.

The property officer receiving custody of evidence or property shall record the date and time the property was received and where the property will be stored in the RIMs report.

A property number shall be obtained for each item or group of items. This number shall be recorded on property sheet and the in the RIMs report.

804.6 PROPERTY CONTROL
The Evidence/Property Control System shall comply with the following legal requirements.
Property and Evidence

(a) Penal Code Sections - 12028 (c) & (d), 12030, 12301, 12251, 1413(a) & (b), and 1418.6

(b) California Civil Procedure - 2080 through 2080.9

(c) California Education Code - 89724(b)

(d) Health and Safety Codes - 11473, 11473.5, 11474, 11474.5, 11479 and 11479.1

Each time the property officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. Other than found property, no property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the RIMS report and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the RIMs report and the evidence. The lab forms will be transported with the property to the examining laboratory. The original copy of the lab form will remain with the evidence.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the RIMs report, stating the date, time and to whom released.

The officer shall indicate whom property is released in the RIMs report, including the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property shall be indicated in the RIMs report, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Sergeant or Lieutenant shall authorize the disposition or release of all evidence coming into the care and custody of the Department. Found property or property booked as safekeeping can be released by a property officer, a dispatcher, a CSO or the on duty officer. In the event there is an item of a significant monetary value the release should be approved by a Sergeant or Lieutenant.

804.6.5 RELEASE AND DISPOSITION OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.
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Release of property shall indicate in the RIMs report, listing the name and address of the person to whom the property is to be released. The property sheet will be stamped with the release stamped and filled out completely. The release shall conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form. A RIMs report will be entered detailing the release of the property. The report shall include: Identifying information from the reporting party, including full name, home address, telephone number and a drivers license number, if available. Details describing the method used to confirm the person was the owner of the property or had the right to retrieve the property. With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 180 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 180 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property sheet the RIMs report will detail the release. If some items of property have not been released the property sheet will remain with the Property and Evidence Section and the RIMs report will detail the release. Upon release, the proper entry shall be documented in the Property Log.

All property taken for storage, regardless of category, shall be released as soon as possible. If immediate release of property is not possible, the following time limits will regulate the final disposition of property. Special handling cases will require special disposition.

(a) All felony cases not filed with the District Attorney will be held for three years and all felony arrest cases held for seven years, unless a court order release is granted or the case is adjudicated.

(b) All misdemeanor cases not filed with the District Attorney will be held for one year and all misdemeanor arrest cases held for three years, unless a court order release is granted or the case is adjudicated.

(c) Found property shall be held a minimum of six months and not longer than twelve months. Property under observation may be held until all the investigative leads are exhausted.

(d) Safekeeping firearms will be held a minimum of seven days and a maximum of six months.

(e) Domestic violence incidents:
   1. No firearm shall be held less than forty-eight hours.
   2. If a firearm is not retained as evidence, it should be made available to the owner or person who was in lawful possession, forty-eight hours after the seizure; or as soon thereafter as possible, but no later than seventy-two hours after the seizure (refer to Penal Code Section 12028.5).

(f) The disposition of all evidence/property must be properly logged.
804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS

The property officer will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code §§ 29300; 18010; 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner’s name is unknown, which remains unclaimed for a year or by order of the court, may be
Property and Evidence

transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant
(b) The defendant's attorney
(c) The appropriate prosecutor and Attorney General
(d) Any sexual assault victim
(e) The Operations Division supervisor

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9), the Property and Evidence Section Supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Operations Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the Operations Division supervisor should be consulted and the sexual assault victim should be notified.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the department shall be conducted by the evidence room supervisor not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.
Records Section Procedures

806.1 PURPOSE AND SCOPE

The Dispatch Center shall maintain the Department Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 1 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January of a new year.

806.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section accessible only to authorized Records Section personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Sergeant.

California State University Bakersfield Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the California State University Bakersfield, Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administration Supervisor. The Administration Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administration Supervisor should forward the petition to the Operations Division Supervisor and the Chancellor's Office for review. After such review and consultation with the Chancellor's Office, the Operations Division Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).
Records Section Procedures

The Administration Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.
Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE
The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

808.2 PROCEDURE
Any firearm coming into the possession of the California State University Bakersfield, Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION
(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE
Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

808.2.3 OFFICER RESPONSIBILITY
The property officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.
Restoration of Firearm Serial Numbers

808.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

808.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.
Records Release and Security

810.1 PURPOSE AND SCOPE
The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS
The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS
Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought fees (Government Code § 6253).

Designated members of the campus requiring a report for legitimate purposes may request a report via the telephone. The request for a report will be sent to the Lieutenant. The will approve or deny the request. If the request is approved the Lieutenant will prepare the written request for the report and submit the request to the communication center dispatcher for filing. The Lieutenant will cause the report to be generated and supplied to the requester.

The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Chief of Police or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).

(b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Administration Lieutenant for a determination as to whether the records will be released.

810.3 REPORT RELEASE RESTRICTIONS
Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.3.1 GENERAL CASE AND CRIME REPORTS
Reports containing any of the items listed below will not be released:
**Records Release and Security**

(a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).

(b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.

1. Analysis and conclusions of investigating officers may also be exempt from disclosure.

2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.

(c) **Specific crimes** - Certain types of reports involving, but not limited to, child abuse/molestation (Penal Code § 11167.5), elder abuse (Welfare and Institutions Code § 15633) and juveniles (Welfare and Institutions Code § 827) shall not be made public.

(d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

### 810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, Chancellor's Office or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

### 810.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
Records Release and Security

810.3.4 PERSONNEL RECORDS
Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254(c); Penal Code § 832.7; Penal Code § 832.8).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police or as required by law.

810.3.5 CONCEALED WEAPONS PERMITS
Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

810.3.6 DOMESTIC VIOLENCE REPORTS
Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

810.4 OTHER RECORDS
Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege or to the security of the department's electronic technology systems (Government Code § 6254(k); Government Code 6254.19).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

810.4.1 PERSONAL IDENTIFYING INFORMATION
Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.5 SUBPOENA DUCES TECUM
Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance,
Records Release and Security

It is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.
Criminal Offender Record Information (CORI)

812.1 PURPOSE & SCOPE
This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY
This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 DEFINITIONS
Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any CSUB PD documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CORI
CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER
The Records Supervisor is the designated Criminal Record Security Officer for the California State University Bakersfield, Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.
Criminal Offender Record Information (CORI)

812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer
(b) Records Supervisor
(c) Full-time employees of the Records Section
(d) Personnel specifically designated in writing by Lieutenants with the concurrence of the Criminal Records Security Officer

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

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

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

812.7 PROTECTION OF CORI

CORI shall be stored in the Records Section where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Records Section shall be restricted to the Records Section personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Section shall be restricted to those persons who possess both the right to know and the need to know the information.
Criminal Offender Record Information (CORI)

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, the Communications Center and in the Operations Division to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

812.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Supervisor, unless otherwise directed by the Administration Lieutenant, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administration Lieutenant may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administration will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

812.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).
Computers and Digital Evidence

814.1 PURPOSE AND SCOPE
This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE
Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. If the computer belongs to CSU Bakersfield then Information Technology Support services should be contacted to assist unless the nature of the investigation prevents including them. The Chief of Police will be notified when the investigation involves a computer belonging to CSU Bakersfield. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
   1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
   2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:
   1. Where the computer was located and whether or not it was in operation.
   2. Who was using it at the time.
   3. Who claimed ownership.
   4. If it can be determined, how it was being used.
**Computers and Digital Evidence**

In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

### 814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

### 814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

### 814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.
**Computers and Digital Evidence**

### 814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

### 814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

#### 814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

#### 814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.
Computers and Digital Evidence

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.
Animal Control Procedures

815.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the California State University Bakersfield Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

815.2 OFFICER RESPONSIBILITY
During hours when Bakersfield Animal Control officers are off duty, or if the Animal Control Officer is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an Animal Control Officer. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the Animal Control Officer. The following are examples of when an officer may consider acting before the arrival of the Animal Control Officer:

(a) When there is a threat to the public safety.
(b) When the animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
(c) When the owner/handler has been arrested and there is no other alternative placement for the animal.

815.2.1 ANIMAL CRUELTY COMPLAINTS
Officers shall conduct a preliminary investigation on all reports of animal cruelty. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

815.2.2 STRAY DOGS
If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate.

815.2.3 ANIMAL BITE REPORTS
Officers shall obtain as much information as possible for follow-up. Officers shall notify Kern County Animal Control for assistance and a police report will then be forwarded to their agency for follow up. If the animal is a stray, then every effort shall be made to safely capture and impound the animal immediately.

815.3 DECEASED ANIMALS
Excluding Kit Foxes or other endangered animals, deceased animals on public property will be removed and properly disposed of by notifying or Facilities Management or Animal Control if needed.
When the California State University Bakersfield Police Department is advised of a dead or severely injured Kit Fox, the following procedures shall be followed:

(a) The Dispatcher will dispatch an Officer immediately as a priority call to confirm there is a dead or severely injured kit fox.

(b) If the Officer confirms there is a dead or severely injured kit fox, the dispatcher will initiate a call out to Facilities Management using the list in Dispatch.

(c) The Officer shall ensure that no one disturbs the area or the carcass unless authorized by Facilities Management personnel.

(d) The Officer will take pictures of the area and the kit fox for documentation of the incident.

(e) If a Sergeant or Police Administrator is on-duty, the Dispatcher will contact them and notify them of the incident as soon as possible.

(f) If neither a Sergeant or a Police Administrator is on duty, the Dispatcher will send a "priority" email, text or phone call to the Chief, Lieutenant, and both Sergeants, notifying them of the incident, call-out, and any other pertinent information. The dispatchers will assure the Sergeants or Police Administrator acknowledges they have received the information.
Livescan Fingerprinting Services

817.1 PURPOSE AND SCOPE
The purpose of this policy is to establish responsibilities and procedures for the Live Scan fingerprinting process in the areas of fiscal management, processing, and submission of electronic applicant fingerprint data, forms, and cash receipts to the California Department of Justice ("DOJ").

It is the policy of the University Police Department to accurately process and ensure the security of information provided by Live Scan fingerprint applicants for the appropriate Live Scan service being requested.

817.2 PROCEDURE

817.2.1 AREAS OF RESPONSIBILITY
(a) The Lieutenant is responsible for ensuring the Department is in compliance with the Department's and California DOJ policies. (See Attachment "A", California DOJ Terms and Conditions for Operating an Applicant Live Scan Terminal, for further details).

(b) The Operations Sergeant is responsible for ensuring that all fingerprint operations and record transmissions meet DOJ data, image, and formal agreement requirements; ensuring the operators of the Live Scan terminals are properly trained. He/She will also maintain liaison with the DOJ Fingerprinting Office and coordinate any updates required of the unit's website, public information publications, and training program. He/She is also responsible for entering new Operators into the system.

(c) The Live Scan Operator is responsible for processing the applicant information correctly to the DOJ and ensures accurate fees are charged and collected. Operators may be Student Community Service Officers (CSO). Only CSO's with DOJ and FBI fingerprint background clearance may handle Live Scan forms and/or paperwork containing personal/confidential information.

(d) The Administrative Support Assistant (ASA) is responsible for ensuring departmental fiscal policy and procedural compliance, and conducting audit checks on a quarterly schedule. He/She will also ensure that all expenditures are paid in a timely manner. An audit check report will be provided to the Chief of Police each quarter.

817.2.2 OPERATOR BACKGROUND CLEARANCE
(a) Each operator of the Live Scan terminal who may have contact with the public, as part of the operation of the Live Scan terminal, must be cleared by a DOJ and FBI Live Scan fingerprint background check.

(b) All Live Scan terminal operators will undergo an in-depth background check, which will be conducted by a department approved background investigator.

817.2.3 TRAINING
(a) All operators of the department Live Scan terminals must be properly trained by either a DOJ fingerprinting unit trainer or by a Live Scan vendor. Training will include system
Livescan Fingerprinting Services

operation, data entry procedures, and fingerprint capture techniques. Training may also be conducted by the Operations Sergeant or experienced Live Scan operator.

(b) All departmental employees authorized to use a Live Scan device must complete the department's Live Scan field training program.

(c) All members of the Live Scan unit will undergo customer service and other training as directed by the Chief of Police or his/her designee.

817.2.4 QUALITY CONTROL

(a) A comprehensive internal audit will be conducted by the ASA once a year. Results of the audit will be forwarded to the Chief of Police.

(b) The ASA will conduct a monthly verification of receipts and billings. The Chief of Police will be advised of any irregularities.

(c) The ASA will conduct monthly accuracy checks in the processing of forms, logs, and other applicable paperwork within the Live Scan unit.

817.2.5 SECURITY

(a) Records

1. The Lieutenant will ensure strict compliance with applicable record security laws relative to the department's use, retention, and dissemination of Criminal Offender Record Information (CORI).

2. Only authorized Live Scan Operators and law enforcement management personnel with a "need to know" shall have access to Live Scan record information. Live Scan record information shall not be released to anyone without the approval of the Chief of Police.

3. The University Police Department will retain Live Scan records for the current year and one year prior. Records shall be purged accordingly from departmental files and shredded by the ASA or his/her designee with the appropriate Live Scan background clearance.

(b) Devices and Data Line

1. The Lieutenant will be responsible for ensuring the proper and legal use of the Live Scan terminal and communication line.

817.2.6 LIVESCAN FEES

(a) DOJ and FBI fees are set by those agencies.

(b) The rolling fee is set by the Chief of Police.

(c) Fee Schedule:

1. DOJ $32.00
2. FBI $19.00
3. CSUB rolling fee $15.00

817.2.7 PAYMENT OF FEES

(a) The University Police Department will not handle any money transactions.

(b) Applicants will pay for Live Scan services at the Cashier Window. The Cashier will provide the applicant with a receipt and the applicant will bring the receipt to the Live Scan Office.
Livescan Fingerprinting Services

(c) All receipts shall be immediately attached to a copy of the applicant’s request for live scan form and placed in the Live Scan file.

(d) Refunds for services rendered are generally not allowed. State, Federal and other outside fees are non-recoverable once the service is provided. The Chief of Police or his/her designee must approve of any refunds. All refunds will be processed by the Cashier's Office.
Jeanne Clery Campus Security Act

822.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

822.2 POLICY
The California State University Bakersfield, Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092 (f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any California State University Bakersfield, Police Department facility. Reports will be accepted anonymously, by phone or via e-mail or on the institution's website.

It is the policy of the California State University Bakersfield, Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the California State University Bakersfield, Police Department and faculty of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT
The Chief of Police will:

(a) Ensure that the California State University Bakersfield, Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092 (f)(1)(J)(i) and (iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:
1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092 (f)(1)(C)(iii)),
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092 (f)(1)(G)),
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092 (f)(1)(J)).
4. Notify the California State University Bakersfield, Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)).
5. Notify the California State University Bakersfield, Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes (20 USC § 1092 (f)(3)).
Jeanne Clery Campus Security Act

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092 (f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092 (f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape and other sex offenses, and what to do if a sex offense occurs, including who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092 (f)(8)(B)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations, in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

822.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining California State University Bakersfield, Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092 (f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092 (f)(1)(F)(i)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092 (f)(1)(F)(ii)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092 (f)(7) and 34 CFR 668.46 (c)(7)). The statistics will be categorized separately as offenses that occur (20 USC § 1092 (f)(12) and 34 CFR 668.46 (c)(4)):

1. On campus.
Jeanne Clery Campus Security Act

2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus, residential, student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the California State University Bakersfield, Police Department (34 CFR 668.46(c)(2)).

(e) Statistics will include the three most recent calendar years (20 USC § 1092 (f)(1)(F); 34 CFR 668.46(c)).

(f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092 (f)(7)).

822.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092 (f)(4) and 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the California State University Bakersfield, Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
   1. Disclosure of the information is prohibited by law.
   2. Disclosure would jeopardize the confidentiality of the victim.
   3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, that may cause a suspect to flee or evade detection, or that could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

822.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Supervisor to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092 (f)(3) and 34 CFR 668.46(e) and (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes.

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092 (f)(1); 34 CFR 668.46 (b)). This report will include, but is not limited to, the following:
Jeanne Clery Campus Security Act

1. Crime statistics
2. Crime and emergency reporting procedures
3. Policies concerning security of and access to campus facilities
4. Crime and sexual assault prevention programs
5. Enforcement policies related to alcohol and illegal drugs
6. Locations where the campus community can obtain information about registered sex offenders
7. Emergency response and evacuation procedures
8. Missing student notification procedures
Chapter 10 - Personnel
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
The employment policy of the CSUB shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Office of Human Resources.

1000.2 APPLICANT QUALIFICATIONS
Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.2.1 VETERAN'S PREFERENCE
Qualifying veterans of the armed forces of the United States shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

1000.3 STANDARDS
Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Office of Human Resources maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the CSUB or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE
(a) The ability to possess a valid California driver's license
(b) The following may be disqualifying:
   1. California Drivers License or Criminal history showing three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
Recruitment and Selection

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel

(c) Showing strong moral character and integrity in dealing with the public

(d) Being honest in dealing with the public

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following shall be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application

2. Conviction for two or more misdemeanor offenses under California law as an adult

3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)

4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)

5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft

6. Admission(s) of any act of domestic violence as defined by law, committed as an adult

7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
Recruitment and Selection

8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.3.4 DEPENDABILITY
(a) Having a record of submitting reports on time and not malingering on calls, etc.
(b) A record of being motivated to perform well
(c) A record of dependability and follow through on assignments
(d) A history of taking the extra effort required for complete accuracy in all details of work
(e) A willingness to work the hours needed to complete a job
(f) The following shall be disqualifying:
   1. Missing any scheduled appointment during the process without prior permission
   2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
   3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
   4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement
   5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
   6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
   7. Having any outstanding warrant of arrest at time of application.

1000.3.5 LEARNING ABILITY
(a) The ability to comprehend and retain information
(b) The ability to recall information pertaining to laws, statutes, codes, etc.
(c) The ability to learn and to apply what is learned
(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
(e) The following shall be disqualifying:
   1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
   2. Having been academically dismissed from any POST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another POST basic law enforcement academy shall rescind this requirement

1000.3.6 PERSONAL SENSITIVITY
(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
(b) Empathy
Recruitment and Selection

(c) Discretion, not enforcing the law blindly
(d) Effectiveness in dealing with people without arousing antagonism
(e) The ability to understand the motives of people and how they will react and interact
(f) The following shall be disqualifying:
   1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
   2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
   3. Having been disciplined by any employer as an adult for fighting in the workplace

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations
(b) The ability to make sound decisions on the spot
(c) The ability to use good judgment in dealing with potentially explosive situations
(d) The ability to make effective, logical decisions under pressure
(e) The following shall be disqualifying:
   1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
   2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
   1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
   2. Any adult use or possession of marijuana within one year prior to application for employment
   3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
   4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
   5. Any adult manufacture or cultivation of a drug or illegal substance
   6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
   7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
Recruitment and Selection

1. Any illegal use or possession of a drug as a juvenile

2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)

3. Any illegal or unauthorized use of prescription medications
Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Administration Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Administration Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS
California and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.
Reporting of Employee Convictions

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.
Alcohol and Drug Use

1012.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 POLICY
It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1012.3.1 USE OF MEDICATIONS
Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.
Alcohol and Drug Use

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:
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(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates in provisions of this policy.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.
Sick Leave Policy

1014.1 PURPOSE AND SCOPE
Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA), the California Family Rights Act or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510).

1014.2 EMPLOYEE RESPONSIBILITIES
Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1014.2.1 NOTIFICATION
(a) All personnel unfit for duty because of illness shall contact the on-duty/on-call supervisor when they are unable to report for work.
(b) Texting or emailing is not an acceptable form of contacting the supervisor.
(c) Such notification shall be made a minimum of two hours prior to the assigned scheduled time to report for duty.

(d) Employees are required to call in each day of illness, unless otherwise excused.
(e) Upon notification, the on-duty/on-call supervisor will complete a "time off/absence request" with a specific explanation and distribute the white copy to the payroll clerk and the yellow copy to the employee.
(f) The on-duty/on-call supervisor will assess the need to backfill the affected shift with call out overtime.
(g) When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.
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1014.2.2 FICTITIOUS ILLNESS OR INJURY REPORTS

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

Employees who are away from home for medical reasons or who have permission from their shift supervisor to leave their home are exempt.

1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer days are taken.

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee’s performance evaluation when it has negatively affected the employee’s performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.
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1016.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.

(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES
All department personnel who are exposed to another person’s blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

(a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.

(b) The exposure occurred without the benefit of applicable exposure controls required by this policy.

(c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

1016.2.1 EXPOSURE CONTROL OFFICER
The Department’s Exposure Control Officer will be an employee from the CSUB safety and risk management section. The ECO shall be responsible for the following:

(a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).

(b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
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(c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.

(d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.

(e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.

(f) Maintaining an up-to-date list of police personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.

(g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed. The disposal of each item will be done in accordance with campus policy.

1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1016.2.5 WORK PRACTICES

All personnel should use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves should be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items...
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(e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION
The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

1016.3.1 USE OF WASTE CONTAINERS
Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES
Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated area. These areas will be the mens or womens restroom.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE
All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that
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Item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.
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1016.3.7 DECONTAMINATION OF CLOTHING
Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee’s immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

(a) Name and social security number of the employee(s) exposed.
(b) Date and time of incident.
(c) Location of incident.
(d) What potentially infectious materials were involved.
(e) Source of material or person.
(f) Current location of material or person.
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(g) Work being done during exposure.

(h) How the incident occurred or was caused.

(i) PPE in use at the time of the incident.

(j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the State's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING
The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS
Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.
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This information is confidential and shall not be disclosed to anyone without the employee’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

(a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.

(b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).

(c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).

(d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the California State University Bakersfield, Police Department qualifies as a crime victim (Penal Code § 1524.1).

1016.5.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee’s exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with Chancellor's Office and consider requesting that a court order be sought for appropriate testing.

1016.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

(a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
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(b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee’s shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee’s name should not appear on this form.

(d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.

(e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.
Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE
This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in California State University Bakersfield, Police Department facilities or vehicles.

1018.2 POLICY
Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

No person shall smoke tobacco products within 30 feet of a main entrance, exit, or operable window of any public building (including any Department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Employees in uniform are also prohibited from smoking or using tobacco products while in public view.

1018.3 EMPLOYEE USE
Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any State facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside State facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS
No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).
Personnel Complaints

1020.1 PURPOSE AND SCOPE
The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED
Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or as assigned by the Chief of Police.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Chief of Police, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Adverse Comment - A matter in which the Chief of Police determines that the nature of the complaint is such that, even if the allegations are sustained, the subject employee would receive no discipline, or there is no benefit or statutory obligation to complete an Internal Affairs investigation, the Chief may order the case closed as an adverse comment. In such cases, the case will be retained pursuant to law and policy.
Personnel Complaints

1020.2 Availability and Acceptance of Complaints

1020.2.1 Availability of Complaint Forms
Personnel complaint forms will be maintained in the dispatch center. Forms are also available online.

1020.2.2 Source of Complaints
(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 Acceptance of Complaints
A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
(b) When an uninvolved supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.
(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form.
(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 Complaint Documentation
Formal complaints of alleged misconduct shall be documented by a supervisor. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7. 
Personnel Complaints

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee’s immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Chief of Police is notified, via the chain of command, as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Chief of Police, via the chain of command, who will take appropriate action.
   1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
   2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
   3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Lieutenant or the Chief of Police who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Chief of Police for direction regarding their role in investigation and/or addressing the complaint.

(e) When appropriate per a collective bargaining agreements an MMP will conduct the investigation.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
Personnel Complaints

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) It shall be the responsibility of the assigning supervisor to promptly notify the Lieutenant and the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or another assigned officer, the following procedures shall be followed with regard to the accused employee(s):

(a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).

(b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).

(c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
Personnel Complaints

(d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).

(e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).

(f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).

(g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to Lybarger. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).

(h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

(i) All employees shall provide complete and truthful responses to questions posed during interviews.

(j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

1020.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.
Personnel Complaints

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Adverse Comment - When the Chief of Police determines that the nature of the complaint is such that, even if the allegations are sustained, the subject employee would receive no discipline, or there is no benefit or statutory obligation to complete an Internal Affairs investigation, the Chief may order the case closed as an adverse comment. In such cases, the case will be retained pursuant to law and policy. If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or
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Government Code § 3508.1. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the Lieutenant.

Once received, the Lieutenant will conduct a review and determine the findings. The findings will be forwarded to the Chief of Police with a recommendation.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

**1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Unit apart from the employee's personnel file.
Seat Belts

1022.1 PURPOSE AND SCOPE
The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.2 WEARING OF SAFETY RESTRAINTS
All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or in any privately owned vehicle while on-duty. The employee driving such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the officer or the public. Employees must be prepared to justify any deviation from this requirement.

The use of safety restraints by a peace officer driving an electric vehicle is optional.

1022.2.1 TRANSPORTING CHILDREN
Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

1022.3 TRANSPORTING PRISONERS
Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS
No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.
Seat Belts

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.
Body Armor

1024.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY
It is the policy of the California State University Bakersfield, Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR
The equipment supervisor shall ensure that body armor is issued to all officers when the officer begins service at the California State University Bakersfield, Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice. The body armor will also meet the standards detailed in the collective bargaining agreement with SUPA.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR
Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.
(b) Officers should wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
(c) Body armor should be worn when an officer is working in uniform or taking part in Department range training.
(d) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled
Body Armor

(e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.
Personnel Files

1026.1 PURPOSE AND SCOPE
This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.
(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
(c) Election of employee benefits.
(d) Employee advancement, appraisal, or discipline.
(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Human Resources Personnel File - That file which is maintained in the Office of Human Resources as a permanent record of a sworn officer's employment with CSU Bakersfield.

Department/Training File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition. These files will remain in a locked location designated by the Chief of Police. If the complaints are concerning an MPP then the file will be kept in Human Resources.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the Vice President, Chancellor's Office or other attorneys or representatives of the State in connection with official business.
Personnel Files

1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Chief of Police or their designee.

Upon receipt of any such request, the responsible supervisor shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The Chief of Police shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any, was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:
Personnel Files

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1026.7.1 HUMAN RESOURCES OR DEPARTMENT FILE

The Human Resources or Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.

1. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

2. The Training Corporal or supervisor shall ensure that copies of such training records are placed in the employee's department file.

(c) Disciplinary action:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).

2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).

3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

(d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305).

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).

2. Any such employee response shall be attached to and retained with the original adverse comment.

3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
Personnel Files

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

(g) A photograph of the employee shall be permanently retained.

1026.7.2 SUPERVISORY FILE
The Supervisory File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
   1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
   2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
   3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the supervisory file.

1026.7.3 INTERNAL AFFAIRS FILE
The internal affairs file shall be maintained under the exclusive control of the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Lieutenant. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition
   1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 09-001, 09-002) with an alphabetically arranged index card cross-referenced for each involved employee.
   2. Each investigation file arising out of a formal citizen's complaint shall be maintained no less than five years. Investigation files arising out of internally generated complaints shall be maintained no less than two years.

(b) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

1026.7.4 TRAINING FILES
An individual training file shall be maintained by the Chief of Police or his designee for each employee. Training files will contain records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

(a) It shall be the responsibility of the involved employee to provide the Training Corporal or immediate supervisor with evidence of completed training/education in a timely manner.
Personnel Files

(b) The Training Corporal or supervisor shall ensure that copies of such training records are placed in the employee's Training File.

1026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.
(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1026.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
Employee Commendations

1030.1 PURPOSE AND SCOPE
Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS
A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS
A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

• Superior handling of a difficult situation by an employee
• Conspicuous bravery or outstanding performance by any employee of the Department
• Any action or performance that is above and beyond the typical duties of an employee

1030.3.1 MEMORANDUM OF COMMENDATION
A department memo shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name and assignment at the date and time of the commendation
(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate
(c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Lieutenant for his/her review. The Lieutenant shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee's personnel file.

1030.3.2 ADDITIONAL EMPLOYEE RECOGNITION
Additional employee recognition includes:

a. external entity award

• VC 10851

b. Education Pin

c. Service Awards
Employee Commendations

VC 10851 AWARD This award is sponsored by the California Highway Patrol (CHP) in conjunction with the California State Automobile Association (CSAA) and is awarded when an officer:

(a) Recovers six stolen vehicles in twelve month period, all six of which result in a suspect in custody, or

(b) Recovers twelve stolen vehicles in a twelve month period, and at least three of the twelve results in a suspect in custody, or

(c) Develops information about an auto theft ring resulting in ten stolen vehicle recovered and at lease two suspects arrested.

The VC 10851 pin may be worn for 12 months following presentation of the award. 1030.7.2 VC 23152 AWARD

1030.7.4 EDUCATION PIN

Officers who have obtained a higher education degree from CSUB (ie., Bachelors, Masters, or Doctoral) may, at the approval of the Chief of Police, wear the department approved pin signifying his/her educational achievement.

SERVICE AWARDS:

All personnel excluding Community Service Officers will be recognized with a service award after completion of the following years of service. The service award will consist of a presentation of a certificate to the employee.

5 years of continues uninterrupted service

10 years of continues uninterrupted service

20 years of continues uninterrupted service

30 years of continues uninterrupted service
Fitness for Duty

1032.1 PURPOSE AND SCOPE
All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 EMPLOYEE RESPONSIBILITIES
(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES
(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
(d) In conjunction with the Lieutenant or the Chief of Police, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK RELATED CONDITIONS
Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.
Fitness for Duty

Upon the recommendation of a supervisor and concurrence of the Lieutenant, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave or deferred duty assignment for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.
Fitness for Duty

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.
Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all State employees that has been established by the California State University.

1034.1.1 MEAL PERIODS
All meal periods shall be consistent with the Unit's current MOU.

1034.1.2 15 MINUTE BREAKS
All breaks shall be consistent with the Unit's current MOU.
Lactation Break Policy

1035.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1035.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1035.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
Lactation Break Policy

**1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.
Time Worked Reports

1036.1 PURPOSE AND SCOPE
Time Worked Reports are submitted to the Department Administration on a monthly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME WORKED REPORTS
All employees are paid on a monthly basis. The department payroll clerk is responsible for the accurate and timely submission of Time Worked Reports and supporting documentation. All employees are responsible for the accurate and timely submission of any overtime and time off forms. All completed Time Worked Reports, overtime forms, and time off forms will be approved by a supervisor.
Overtime Payment Requests

1038.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT POLICY
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 80 hours of compensatory time.

1038.2 REQUEST FOR OVERTIME COMPENSATION
Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the payroll dispatcher and the ASA.

Failure to submit a request for overtime compensation in a timely manner may result in a delay of compensation.

1038.2.1 EMPLOYEES RESPONSIBILITY
Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor. Employees submitting overtime cards for on-call pay when off duty shall submit cards to their supervisor the first day after returning for work.

1038.2.2 SUPERVISORS RESPONSIBILITY
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the form is verified, the overtime payment request form is forwarded to the payroll clerk for entry on to the employee's timecard.
1038.3  **ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, three hours for outside overtime).

1038.3.1  **ACCOUNTING FOR PORTIONS OF AN HOUR**

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 15 minutes</td>
<td>¼ hour</td>
</tr>
<tr>
<td>16 to 30 minutes</td>
<td>½ hour</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>¾ hour</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

1038.3.2  **VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the supervisor may require each employee to include the reason for the variation in the comments portion of the overtime payment request.
On Duty Injuries

1042.1 PURPOSE AND SCOPE
The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the Office of Human Resources to ensure proper medical attention is received, and document the circumstances of the incident.

1042.2 WORKER’S COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE
All work related injuries and work related illnesses requiring medical care must be reported to the Office of Human Resources and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.2.2 ACCIDENT DEFINED
Accident - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 EMPLOYEE’S RESPONSIBILITY
Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1042.2.4 SUPERVISOR’S RESPONSIBILITY
A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms
On Duty Injuries

with instructions for completion provided by the Office of Human Resources are kept in the Sergeant's office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Lieutenant, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Lieutenant as soon as they are completed.

1042.2.5 LIEUTENANT RESPONSIBILITY
The Lieutenant receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

1042.2.6 CHIEF OF POLICE RESPONSIBILITY
The Chief of Police shall review and forward copies of the report to the Office of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION
Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1042.4 SETTLEMENT OF INJURY CLAIMS
Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the State, and/or other insurers are entitled to recover civilly. To ensure that the State's interests are protected and that the employee has the benefit of the State’s experience in these matters, the following procedure is to be followed:

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS
When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.
On Duty Injuries

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice to permit the State to determine whether or not the offered settlement will affect any claim the State may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the State's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.
Personal Appearance Standards

1044.1 PURPOSE AND SCOPE
In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR
Hairstyles of all members shall be neat in appearance.

(a) For male sworn members, Parking Officers and CSO's hair must not extend below the top edge of the uniform collar while assuming a normal stance. The sides of the hair shall be trimmed so that not more than the top of the ear is covered. The bulk of the hair shall not exceed 1/2 inch (bulk is defined as the distance that the mass of the hair protrudes from the scalp when groomed, as opposed to the length of hair.

1. Varying hair styles are permitted, provided these styles meet Department standards. Corn-row, multiple braids, spikes, mohawks and other faddish hairstyles shall not be worn while in uniform or on duty, unless authorized by the Chief of Police.

2. For female sworn members, Parking Officers and CSO's hair must not extend below the bottom edge of the uniform shirt collar while assuming a normal stance. It must not interfere with their ability to properly wear a protective helmet, or restricts their vision in any way.

(b)

1. Hair color shall be natural in appearance. Extreme color variations or shades not common to natural human hair shall not be allowed.

2. Ornamentation shall not be worn in the hair except, which is necessary to secure a hairstyle.

3. Pins, clips, or rubber bands shall be of a natural color and shall blend with the hair.

1044.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. Waxed tips or points are not permitted.

1044.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed, neat and end with a clean-shaven horizontal line. The maximum width at the bottom of the sideburns shall not exceed 1 inch.
Personal Appearance Standards

1044.2.4 FACIAL HAIR

All on-duty uniformed personnel are to be clean-shaven at all times. The wearing of beards and/or alternate hairstyles shall be at the discretion of the Chief of Police.

1044.2.5 FINGERNAILS

Fingernails shall be clean and well trimmed at all times.

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

Fingernail polish worn by uniformed female Police Officers, Parking Officers, Dispatchers and CSO's shall be conservative in color and limited to shades that are complementary to the uniform (clear, soft pinks or reds). Multi-colored designs and/or nail charms are not permitted for uniformed Police Officers, Parking Officers or CSO's.

1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

The wearing of earrings by uniformed police officers is discouraged due to the danger presented to the safety and protection of the Police Officer. Earrings that hang below earlobes are prohibited for uniformed Police Officers, Parking Officers and CSO's. Only a single pair of pierced earrings worn on the ears is allowed while on-duty.

Only one ring may be worn on each hand of the employee while on-duty; wedding sets shall be considered as one ring.

Uniformed Police Officers, Parking Officers and CSO's shall not wear bracelets, conspicuous rings, or any large jewelry item that either compromises the officer's safety or detracts from the appearance of the uniform.

Jewelry items of exceptional value ($50 or more) are the responsibility of the individual officer/owner and the Department assumes no liability for such items if lost, stolen or damaged in the line of duty.

1044.2.7 WIGS AND HAIRPIECES

Wigs or hairpieces may be worn while in uniform or while on duty for cosmetic reasons to cover natural baldness or physical disfigurement.

When a wig or hairpiece is worn, it shall be of good quality and fit, present a natural looking appearance and not interfere with the proper wearing of headgear.

Wigs or hairpieces shall not present a safety hazard and shall conform to the grooming standards set forth in these regulations.

1044.2.8 MAKEUP

Makeup worn by female personnel shall be consistent with a professional image and shall not detract from the uniform.
Personal Appearance Standards

1044.3 TATTOOS

While on duty or representing the Department in any official capacity, every effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.
(b) The complete or transdermal implantation of any material other than hair replacement.
(c) Abnormal shaping of the ears, eyes, nose or teeth
(d) Branding or scarification.
Uniform Regulations

1046.1 PURPOSE AND SCOPE
The uniform policy of the California State University Bakersfield, Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property
Section 1024 - Body Armor
Section 1044 - Grooming Standards

The California State University Bakersfield, Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group’s collective bargaining agreement.

1046.1.1 AUTHORITY OF THE CHIEF
The Chief shall be the final authority on matters pertaining to official uniforms, identification items and appearance. He/she may call for a Uniform of the day, requiring the wearing of a specific uniform during a special incident or unusual occurrence.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
(c) Personnel shall wear only the uniform specified for their rank and assignment.
(d) The uniform is to be worn in compliance with the specifications set forth in the department’s uniform specifications that are included in this policy.
(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
(j) Shoes and all leather gear shall have the appearance of being polished and clean.
Uniform Regulations

(k) Mirrored sunglasses will not be worn with any Department uniform.

(l) Knifes may be worn by sworn staff members providing the knife is of a color and design that blends with the uniform and doesn't draw attention to the knife. Non-sworn staff members can not carry knives that are viewable to the public.

(m) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.
   1. Wrist watch
   2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
   3. Medical alert bracelet

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by the Lieutenant.

1046.3 UNIFORM SPECIFICATIONS- POLICE OFFICER

All police officer uniforms shall be solid dark blue. The authorized uniform to be worn, and equipment to be carried, by all on-duty uniformed officers shall be consistent with the following standards and as prescribed by the Chief of Police. The following designated uniforms shall be worn as specified unless otherwise authorized by the Chief of Police:

(a) Class A - The Class A uniform is appropriate for all personnel for ceremonial occasions. It is not to be worn for routine patrol assignments. The Class A uniform consists of:
   1. Wool long-sleeve uniform shirt with Black necktie and tie bar.
   2. Tie bar will be straight.
   3. Wool uniform pants with No side braid.
   4. Duty belt with side arm and holster, magazine pouch and magazines, one handcuff case and handcuffs and a baton ring.
   5. Uniform hat. The uniform hat will be round with Police (eagle) emblem in front. With solid black bib with black band.
   6. Uniform hat for all ranks above a sergeant. Same as number 4 but with yellow gold bands (Not metal gold).
   7. Uniform hat for Chief of Police. Same as number 4 but with yellow gold band and scrambled gold leaves on bib with break in the center.

(b) Foul Weather Gear
Uniform Regulations

1. The Battle Jacket (Ike Jacket) is not authorized for this purpose and shall only be worn for occasions when it is designated as the uniform of the day.

2. The raincoat, jacket, or windbreaker specified in the Uniform Specifications Manual may be worn over the, Class B, or Active Duty uniform.

3. No tie is required when wearing foul weather gear over a short sleeve uniform shirt.

(c) Footgear

1. All of the above uniforms shall be worn with appropriate uniform shoes or boots as detailed in the Uniform Specifications Manual. All footgear shall be well-blackened and polished.

(d) Visible Undergarments - Any items worn under the uniform, such as the T-shirt, or bullet resistant vest shall meet the following requirements:

   1. All such garments shall be clean and in good repair, with no visible fraying or wear.
   2. Garments shall retain their original colors, with no detectable fading or stains.
   3. Elastic collars on the mock turtlenecks and T-shirts shall fit snugly.

(e) Uniform Maintenance and Appearance

1. The uniform shall fit well and must be neat, clean, and properly pressed. All leather and metal goods shall be polished. Protruding or bulging objects carried in pockets should be avoided as it detracts from a uniform appearance.

2. No part of the uniform is to be worn alone (i.e. jacket, pants or shirt) when in public. Officers shall either wear the complete uniform or appropriate off-duty attire. These guidelines include when traveling to and from work. If an employee travels to and from work in a personal vehicle, a jacket, shirt or other cover-up garment without insignia is permitted.

3. Repaired uniforms may be worn if the repair is not outwardly visible so as to detract from the appearance of the uniform.

4. Uniforms which are frayed, faded, or otherwise show excessive signs of wear are not to be worn.

1046.3.1 CLASS A UNIFORM SPECIFICATIONS

The Class A uniform is to be worn for ceremonial occasions or as directed. It is not to be worn for routine patrol assignments. The Class A uniform consists of the following items and shall be worn as described unless otherwise authorized by the Chief of Police:

(a) Long Sleeve Shirt

1. As described in the Technical Letter re: CSU Police Services Uniform and Equipment Requirements.

(b) Shoulder Patches

1. All uniformed officers of the Department shall wear the regulation California State University, Bakersfield Police Department shoulder patches on both sleeves of uniform shirts and Ike jacket. Patches shall be placed with the top 1/2” below the sleeve seam.

(c) Service Stripes (on shirt)
Uniform Regulations

1. Sworn personnel having five or more years as a sworn police officer shall wear service stripes, one for each five years of such experience.

2. Service stripes will consist of royal blue with yellow gold and black trim. The center portion will be blue, 3/8" wide and 2" long. Trim surrounding center blue portion will be gold, 1/8" wide. Stripe will be placed on the left sleeve, by matching cloth-on-cloth style, at a 45 degree angle, with the lower end of the stripe toward the inside seam of the sleeve, 3/4" above the sleeve cuff with the complete stripe in front of the center press of the sleeve. Additional stripes will be placed above and parallel to the first stripe with 1/4" background space between stripes.

(d) Rank Insignia (on shirt)

1. Chevrons worn on the uniform shirt shall be of United States Army regulation size, with 1/4" gold and blue stripes piped with 1/8" gold piping bordered with black outer stitching. Chevrons shall be sewn on sleeves with black thread.
   (a) Corporal: Corporal Chevrons (two stripes) shall be worn on each sleeve, with top point of patch placed 2" above the midpoint of the distance from shoulder seam to under part of the elbow with arm bent. The chevrons shall be sewn on with professional skill.
   (b) Sergeant: Sergeant Chevrons (three stripes) shall be worn on each sleeve, with the top point of the patch placed 2" above the midpoint of the distance from the shoulder seam to the under part of the elbow with the arm bent. The chevrons shall be sewn on with professional skill.
   (c) Lieutenant: One plain, flat, yellow metal bar with cloth fastener. Each bar will be 1/4" wide and 3/4" long. One bar will be worn on each side of the collar with the front edge of the bars 3/4" from and parallel with the front edge of the collar and centered on the collar.
   (d) Chief of Police: Four gilt metal, five pointed stars, joined together, spaced 7/8" apart from center to center. The stars shall be worn on each side of the collar so that when in a horizontal position, one point of each star shall point upwards and at a right angle to a line drawn through the center of the star. The front end of this device shall be 1/4" from the front edge of the collar and centered on the collar.

(e) Trousers

1. As described in the Technical Letter re: CSU Police services Uniform and equipment Requirements.

(f) Class A Uniform Accessories

1. Neckwear: The necktie worn with the Class A uniform shirt shall be Black in color, snap-on type with regular four-in-hand knot. The tie shall be 3" in width. The Black, snap-on, or velcro connector crisscross tie is optional for female employees.

2. Tie Bar: The tie bar will be worn with the neck tie and will be a plain construction of yellow metal material similar to the name plate. When worn, the tie bar shall be affixed to the tie and shirt front within the area bound by imaginary parallel lines drawn between the top of the pocket and the pocket buttons

3. Name Plate: All officers of the California State University, Bakersfield Police Department will be required to obtain the approved name plate. The plate shall
Uniform Regulations

1. Shoulder Class Duty

2013/10/08

California State University Bakersfield, Police Department
Policy Manual

1. Uniform

2. Uniform Regulations

3. Measure 2 3/8" x 1/2" and consist of yellow metal containing the first initial and last name of the officer. The lettering shall be dark blue.

4. (a) Location and installation: The name plate shall be worn centered to rest above the right breast pocket seam of the outer garment of the uniform, excluding rainwear.

4. Badge: Officers shall wear the official badge issued to them at all times when in uniform. The badge shall be attached as prescribed on the outer garment of whatever uniform item is worn and shall be clearly visible at all times. The badge shall be kept polished, in good repair and free from any scratches, blemishes or other marks which would affect the appearance of the badge.

5. Departmental pins, ribbons, awards, etc. are not authorized for wear on the Class A uniform.

6. Socks: Socks worn with the uniform shall be navy blue or black in color.

7. Footwear: Shoes worn with the uniform shall be solid black in color, either low or high cut, laced style, with plain finish and capable of maintaining a shine. Shoes having punch work, designs, ornamentation, pointed toes or cowboy/western styles shall not be permitted. Uniformed officers may wear plain short boots, or Chukka style, which fit snugly at or above the ankle so that the trouser cuffs will not catch on top of the boot. Combat boots, jump boots, steel toed boots/shoes, heel taps or shoes with an "aggressive" lug sole are prohibited.

(g) Duty Belt and Accessories

1. In addition to wearing the department issued duty belt, officers are required to wear the following issued accessories on their belt as part of the Class A uniform:

    (a) Side arm: Department issued, Glock 40 caliber, Model 22 or 23.

    (b) Holster: Safariland, black basket weave pattern, Model 6280-83-810.

    (c) Magazine Pouch: Bianchi Accumold Elite, with two loaded magazines.

    (d) Handcuff Case: Bianchi Accumold Elite, double handcuff case, black basket weave pattern, Model 7917, with handcuffs. Single cuff case is also authorized.

    (e) Baton Ring: Black basket weave pattern, may be leather, having a white metal baton ring. No other shiny metal may be exposed on the duty belt.

(h) Class A (Ike) Jacket Specifications

1. As described in the Technical Letter re: CSU Police services Uniform and equipment Requirements.

(i) Shoulder Patches

1. All uniformed officers of the Department shall wear the regulation California State University, Bakersfield Police Department shoulder patches on both sleeves of the battle jacket. Patches shall be placed with the top 1/2" below the sleeve seam.

(j) Service Stripes on Jacket

1. Sworn personnel having five or more years as a sworn police officer shall wear service stripes, one for each five years of such experience.
Uniform Regulations

(a) Sworn personnel having five or more years as a sworn police officer shall wear service stripes, one for each five years of such experience. Service stripes will consist of royal blue with yellow gold and black trim. The center portion will be blue, 3/8” wide and 2” long. Trim surrounding center blue portion will be gold, 1/8” wide. Stripe will be placed on the left sleeve, by matching cloth-on-cloth style, at a 45 degree angle, with the lower end of the stripe toward the inside seam of the sleeve, 3/4” above the sleeve cuff with the complete stripe in front of the center press of the sleeve. Additional stripes will be placed above and parallel to the first stripe with 1/4” background space between stripes.

(k) Rank Insignia on Ike Jacket

1. The chevrons on the Class A jacket shall be of United States Army regulation size, with 1/4” gold and blue stripes piped with 1/8” gold piping bordered with black outer stitching. Chevrons shall be sewn on sleeves with black thread.
   (a) Corporal: Corporal chevrons (two stripes) shall be worn on each sleeve, with top point of patch placed 2” above the midpoint of the distance from shoulder seam to under part of the elbow with arm bent. The chevrons shall be sewn on with professional skill.
   (b) Sergeant: Sergeant Chevrons (three stripes) shall be worn on each sleeve, with the top point of the patch placed 2” above the midpoint of the distance from the shoulder seam to the under part of the elbow with the arm bent. The chevrons shall be sewn on with professional skill. Collar ornaments shall only be worn on the shirt and not the jacket itself.
   (c) Lieutenant: One plain, flat, yellow metal bar with clutch fastener, 3/8” wide and 1” long. The bar shall be worn in the center of the cross stitch of each shoulder strap of the coat.
   (d) Chief of Police: Four gilt metal, five point stars, in a size to inscribe in a circle. The surface of the stars shall be plain, raised and rounded. The stars shall be worn on each side of the collar so that when in a horizontal position, one point of each star shall point upwards and at a right angle to a line drawn through the center of the star. The front end of this device shall be 3/4” from the front edge of the collar and centered on the collar.

(I) Class A Hat Specifications

1. As described in the Technical Letter re: CSU Police services Uniform and equipment Requirements

1046.3.2 CLASS B UNIFORM SPECIFICATIONS

The Class B uniform may be worn by all uniformed officers when directed by the Chief of police for special duty assignments.

(a) Uniform Shirt (Long or short sleeve)

1. As described in the Technical letter re: CSU Police Service Uniform and Equipment Requirements.

(b) Shoulder Patches

1. All uniformed officers of the Department shall wear the regulation California State University, Bakersfield Police Department shoulder patches on both
Uniform Regulations

sleeves of uniform shirts, Ike jacket and winter duty jacket. Patches shall be placed with the top 1/2" below the sleeve seam.

(c) Service Stripes (shirt)

1. Sworn personnel having five or more years as a sworn police officer shall wear service stripes, one for each five years of such experience on the long sleeve shirt. All Officer service stripes will consist of blue and gold embroidery thread bordered by a black outer stitching. Colors should match the Departmental shoulder patch. The center portion will be blue, 3/8" wide and 2" long. Trim surrounding center blue portion will be gold, 1/8" wide. Stripe will be placed on the left sleeve, by matching cloth-on-cloth style, at a 45 degree angle, with the lower end of the stripe toward the inside seam of the sleeve, 3/4" above the sleeve cuff with the complete stripe in front of the center press of the sleeve. Additional stripes will be placed above and parallel to the first stripe with 1/4" background space between stripes.

(d) Rank Insignia on Class B shirt

1. Chevrons worn on the uniform shirt shall be of United States Army regulation size, with 1/4" gold and blue stripes piped with 1/8" gold piping bordered with black outer stitching. Chevrons shall be sewn on sleeves with black thread.

(a) Corporal: Corporal Chevrons (two stripes) shall be worn on each sleeve, with top point of patch placed 2" above the midpoint of the distance from shoulder seam to under part of the elbow with arm bent. The chevrons shall be sewn on with professional skill.

(b) Sergeant: Sergeant Chevrons (three stripes) shall be worn on each sleeve, with the top point of the patch placed 2" above the midpoint of the distance from the shoulder seam to the under part of the elbow with the arm bent. The chevrons shall be sewn on with professional skill.

(c) Lieutenant: One plain, flat, yellow metal bar with cloth fastener. Each bar will be 1/4" wide and 3/4" long. One bar will be worn on each side of the collar with the front edge of the bars 3/4" from and parallel with the front edge of the collar and centered on the collar.

(d) Chief of Police: Four gilt metal, five pointed stars, joined together, spaced 7/8" apart from center to center. The stars shall be worn on each side of the collar so that when in a horizontal position, one point of each star shall point upwards and at a right angle to a line drawn through the center of the star. The front end of this device shall be 3/4" from the front edge of the collar and centered on the collar.

(e) Undershirts

1. A white t-shirt will be worn underneath the long or short sleeve uniform shirt. The t-shirt will be without decals and have a high crew neck which fits snugly around the neck. The neck of the t-shirt shall not extend above the collar of the uniform shirt. The t-shirt sleeves shall not protrude from beneath the sleeve of the uniform shirt. The garment shall be clean and in good repair, with no visible fraying or wear. The t-shirt shall retain its original color, with no detectable fading, staining, or yellowing.

(f) Trousers

1. As described in the Technical letter re: CSU Police Service Uniform and Equipment Requirements.
Uniform Regulations

(g) Accessories

1. The following items are accessories required to be worn with the Class B Uniform.
   (a) Necktie
      1. Officers shall not wear any necktie when in Class B Uniform.
   (b) Name Plate
      1. All officers of the California State University, Bakersfield Police Department will be required to obtain the approved name plate. The plate shall measure 2 3/8" x 1/2" and consist of yellow metal containing the first initial and last name of the officer. The lettering shall be dark blue color. Officers wishing to display the American flag may wear a name tag with the flag attached to it.
      2. Location and installation: The name plate shall be worn centered to rest above the right breast pocket seam of the outer garment of the uniform, excluding rainwear.
   (c) Badge
      1. Officers shall wear issued the official badge at all times when in uniform. The badge shall be attached as prescribed on the outer garment of whatever uniform item is worn and shall be clearly visible at all times. The badge shall be kept polished, in good repair and free from any scratches, blemishes or other marks; which would affect the appearance of the badge.
   (d) Departmental Pins
      1. Departmental and CHP 10851 pins are acceptable for wear by on duty personnel. These pins are optional, but only one pin shall be worn at a time.
      2. Uniformed Police Officers: The pin will be attached to the right breast pocket flap. It shall be centered on the flap between the lower point of the pocket flap and the top seam.
   (e) Socks
      1. Socks worn with the uniform shall be navy blue or black in color.
   (f) Footwear
      1. As authorized by the Chief of Police, shoes worn with the uniform shall be solid black in color, either low or high cut, laced style, with plain finish and capable of maintaining a shine. Shoes having punch work, designs, ornamentation, pointed toes or cowboy/western styles shall not be permitted. Uniformed officers may wear plain short boots, or Chukka style, which fit snugly at or above the ankle so that the trouser cuffs will not catch on top of the boot. Combat boots, jump boots, steel toed boots/shoes, heel taps or shoes with an "aggressive" lug sole are prohibited.

(h) Duty Belt and Accessories
Uniform Regulations

1. In addition to wearing the department issued duty belt, officers are required to wear the following issued accessories on their belt as part of the Class B uniform. Other approved duty belt accessories may be worn as appropriate.
   (a) Side arm: Department issued, Glock 40 caliber, Model 22 or 23.
   (b) Holster: Safariland, black basket weave pattern, Model 6280-83-810.
   (c) Magazine Pouch: Bianchi Accumold Elite, With two loaded magazines.
   (d) Handcuff Case: Bianchi Accumold Elite, double handcuff case, black basket weave pattern, Model 7917, with handcuffs. Single cuff case is also authorized.
   (e) Baton Ring: Black basket weave pattern.

(i) Winter Duty & Foul Weather Jacket Specifications
1. Personnel are not required to wear a dickey or a tie while wearing a jacket with a short sleeve shirt.
2. The authorized jackets are manufactured by 5.11 Tactical and the only approved color is dark navy (#724).
   (a) Style #48001: 3-in-1 Parka, waterproof *
   (b) Style #48002: Lined Duty Jacket, waterproof *
   (c) Style #48017: 5-in-1 Jacket, waterproof *
   (d) Style #48016: Response Jacket, lightweight *
   (e) Style #48014: High-Visibility Rain Parka (fluorescent only) *
3. The only foul weather gear provided by the Department will be a Yellow vinyl rain jacket, with reflective striping.
4. Winter duty jackets require the following accessories.
   (a) Shoulder Patches
      1. All uniformed officers of the Department shall wear the regulation California State University, Bakersfield Police Department shoulder patches on both sleeves of the winter duty jacket. Patches shall be placed on the upper third of the sleeve and fall on the natural drape of the shoulder.
   (b) Rank Insignia on Winter Duty Jacket
      1. Chevrons worn on the winter jacket shall be of United States Army regulation size, with 1/4” gold and blue stripes piped with 1/8” gold piping bordered with black outer stitching. Chevrons shall be sewn on sleeves with black thread. Female officers may wear reduced sized stripes to accommodate a smaller (or shorter) sleeve. The stripes will remain the same as regulation stripes in respect to color and shape, but be reduced by 20% in size (2 7/8" wide and 2 7/8" long).
         1. Corporal: Corporal Chevrons (two stripes) shall be worn on each sleeve, with top point of chevrons placed 1 1/2" below the lowest portion of the badge. The chevrons shall be sewn on with professional skill.
         2. Sergeant: Sergeant Chevrons (three stripes) shall be worn on each sleeve, with the top point of the upper chevron placed
Uniform Regulations

1 1/2" below the lowest portion of the badge. The chevrons shall be sewn on with professional skill.

(c) Service Stripes
   1. Service stripes shall not be worn on winter jackets or foul weather gear.

(d) Identification Tags and Badge
   1. Front of jacket: The pull-out identification and badge tags on the front of the jacket can be utilized by uniform employees. If the pull-out identification and badge tags are used, they shall be clearly displayed at all times.

   2. The right breast pocket pull out tab shall be embroidered in 1/2" white, block lettering indicating the employee's name (i.e.: J. DOE) and badge number if applicable (in that order). The jacket's left breast pocket is equipped with a pull out badge tab. Employees shall affix their brass badge and display it or they can opt to have the Department approved cloth badge attached to the pull-out tab. The employee can choose to have the cloth badge sewn on the outside of the jacket, instead of utilizing the pull-out identification and badge tag.

   3. Back of jacket: The pull out flap on the rear of the jacket can be displayed at the discretion of a sworn officer. All other employees shall display the rear flap at all times. The rear flap shall be screen printed with 2 1/2" white, block lettering and read POLICE.

1046.3.3 CLASS C UNIFORM SPECIFICATIONS AND ACCESSORIES

(a) Shirt
   1. The authorized uniform shirt is the 5.11 Tactical Series, "Class C" shirt, poly-wool blend, midnight blue (#750).
      (a) Long Sleeve-Female: Style #32049 *
      (b) Short Sleeve-Female: Style #31024 *
      (c) Long Sleeve-Male: Style #42148 *
      (d) Short Sleeve-Male: Style #41133 *

   2. Shoulder Patches
      (a) All uniformed officers of the Department shall wear the regulation California State University, Bakersfield Police Department shoulder patches on both sleeves of uniform shirts, Ike jacket and winter duty jacket. Patches shall be placed with the top 1/2" below the sleeve seam.

   3. Service Stripes (for long sleeve shirt)
      (a) Sworn personnel having five or more years as a sworn police officer shall wear service stripes, one for each five years of such experience.

      1. Officers, Corporals and Sergeants stripes will consist of blue and gold embroidery thread bordered by a black outer stitching. Colors should match the Departmental shoulder patch. The center portion will be blue, 3/8" wide and 2" long. Trim surrounding center blue portion will be gold, 1/8" wide. Stripe will be placed on the left sleeve,
Uniform Regulations

by matching cloth-on-cloth style, at a 45 degree angle, with the lower end of the stripe toward the inside seam of the sleeve, 3/4" above the sleeve cuff with the complete stripe in front of the center press of the sleeve. Additional stripes will be placed above and parallel to the first stripe with 1/4" background space between stripes.

4. Rank Insignia on Class C shirt
   (a) Chevrons worn on the uniform shirt shall be of United States Army regulation size, with 1/4" gold and blue stripes piped with 1/8" gold piping bordered with black outer stitching. Chevrons shall be sewn on sleeves with black thread.
      1. Corporal: Corporal Chevrons (two stripes) shall be worn on each sleeve, with top point of patch placed 2" above the midpoint of the distance from shoulder seam to under part of the elbow with arm bent.
      2. Sergeant: Sergeant Chevrons (three stripes) shall be worn on each sleeve, with the top point of the patch placed 2" above the midpoint of the distance from the shoulder seam to the under part of the elbow with the arm bent.
      3. Lieutenant: One plain, flat, yellow metal bar with cloth fastener. Each bar will be 1/4" wide and 3/4" long. One bar will be worn on each side of the collar with the front edge of the bars 3/4" from and parallel with the front edge of the collar and centered on the collar.
      4. Chief of Police: Four gilt metal, five pointed stars, joined together, spaced 7/8" apart from center to center. The stars shall be worn on each side of the collar so that when in a horizontal position, one point of each star shall point upwards and at a right angle to a line drawn through the center of the star. The front end of this device shall be 3/4" from the front edge of the collar and centered on the collar.

5. Undershirts
   (a) A white t-shirt will be worn underneath the long or short sleeve uniform shirt. The t-shirt will be without decals and have a high crew neck which fits snugly around the neck. The neck of the t-shirt shall not extend above the collar of the uniform shirt. The t-shirt sleeves shall not protrude from beneath the sleeve of the uniform shirt. The garment shall be clean and in good repair, with no visible fraying or wear. The t-shirt shall retain its original color, with no detectable fading, staining, or yellowing.

6. Pants
   (a) The authorized uniform pant is the 5.11 Tactical Series, poly-wool blend, midnight blue (#750).
      1. Female: C-Class Pant with cargo pockets. Style #34072 *
      2. Male: C-Class Pant with cargo pockets. Style #44060 *

7. Accessories
   (a) The following items are accessories required when wearing the Class C uniform.
      1. Name Plate
Uniform Regulations

1. All officers of the California State University, Bakersfield Police Department will be required to obtain the approved name plate. The plate shall measure 2 3/8" x 1/2" and consist of yellow metal containing the first initial and last name of the officer. The lettering shall be dark blue color. Officers wishing to display the American flag may wear a name tag with the flag attached to it.

2. Location and installation: The name plate shall be worn centered to rest above the right breast pocket seam of the outer garment of the uniform, excluding rainwear.

2. Badge

1. Officers shall wear the official badge, issued to them, at all times when in uniform. The badge shall be attached as prescribed on the outer garment of whatever uniform item is worn and shall be clearly visible at all times. The badge shall be kept polished, in good repair and free from any scratches, blemishes or other marks; which would affect the appearance of the badge.

3. Departmental Pins

1. Departmental and CHP 10851 pins are acceptable for wear by on duty personnel. These pins are optional and only one pin is authorized to be worn at a time.

2. Uniformed Police Officers: The pin will be attached to the right breast pocket flap. It shall be centered on the flap between the lower point of the pocket flap and the top seam.

8. Socks

(a) Socks worn with the uniform shall be navy blue or black in color with no visible logos.

9. Footwear

(a) Shoes worn with the uniform shall be solid black in color, either low or high cut, laced style, with plain finish and capable of maintaining a shine. Shoes having punch work, designs, ornamentation, pointed toes or cowboy/western styles shall not be permitted. Uniformed officers may wear plain short boots, or Chukka style, which fit snugly at or above the ankle so that the trouser cuffs will not catch on top of the boot. Combat boots, jump boots, steel toed boots/shoes, heel taps or shoes with an "aggressive" lug sole are prohibited.

10. Duty Belt and Accessories

(a) Side arm: Department issued, Glock 40 caliber, Model 22 or 23.

(b) Duty Belt: Bianchi Ergotek, 2.25", with tri-release, black basket weave pattern. Model #7955.

(c) Trouser Belt: Bianchi Brand, nylon, 1.5", black. Model #7205.

(d) Holster: Safariland Brand black basket weave pattern. Model #6280-83-810. Right or left handed. Female officers are authorized to wear the low-rise holster. Model #6285-83.
**Uniform Regulations**

(e) Radio Holder: Bianchi Brand Universal radio holder, black basket weave pattern. Model #7914S. With department approved radio.

(f) Handcuff Case: Bianchi Brand double handcuff case, black basket weave pattern. Model #7917. Single cuff case is also authorized. With department approved cuffs.

(g) OC Pouch: Bianchi Brand spray pouch, black basket weave pattern. Model #7907. With department approved O.C. spray.

(h) Magazine Pouch: Bianchi Brand magazine pouch. Model #16299. With department approved magazines.

(i) Belt Keeper: Bianchi Brand belt keepers, black basket weave pattern. Model #7906 (package of four).

(j) Key Holder: Bianchi Brand silent key holder, black basket weave pattern. Model #7916.

(k) Taser holster: Bladetech for the X26P Taser. Right or left depending on weak side carry.

(l) Taser: X26P taser as approved by the department.

(m) Baton Holder: Black basket weave pattern.

(n) The following belt accessories may be purchased by the officer:

1. Expandable Baton Holder: Black basket weave pattern with clean edges. The material may be leather or of a laminate construction similar to the Bianchi Brand accessories. Collapsible baton may be carried if the straight baton is not carried on the officer. Shiny metal of any type is not permitted.

2. Flashlight Holder: Black basket weave pattern with clean edges. The material may be leather or of a laminate construction similar to the Bianchi Brand accessories. Shiny metal of any type is not permitted.

11. Winter Duty & Foul Weather Jackets

(a) Personnel are not required to wear a dickey or a tie while wearing a jacket with a short sleeve shirt. The authorized jackets are manufactured by 5.11 Brand Tactical and the only approved color is dark navy (#724).

1. Style #48001: 3-in-1 Parka, waterproof*
2. Style #48096: Double Duty Jacket, waterproof*
3. Style #48017: 5-in-1 Jacket, waterproof*
4. Style #48016: Response Jacket, lightweight*
5. Style #48103: Signature Duty, waterproof*
6. Style #48014: High-Visibility Rain Parka (fluorescent only)*

(b) The only foul weather gear provided by the Department will be a Yellow vinyl rain jacket, with reflective striping.

(c) Winter duty jackets require the following accessories:

1. Shoulder Patches

   1. All uniformed officers of the Department shall wear the regulation California State University, Bakersfield Police Department shoulder patches on both sleeves of the winter
duty jacket. Patches shall be placed on the upper third of the sleeve and fall on the natural drape of the shoulder.

2. Rank Insignia on Winter Duty Jacket
   1. Chevrons worn on the winter jacket shall be of United States Army regulation size, with 1/4" gold and blue stripes piped with 1/8" gold piping bordered with black outer stitching. Chevrons shall be sewn on sleeves with black thread.
      1. Corporal: Corporal Chevrons (two stripes) shall be worn on each sleeve, with top point of chevrons placed 1 1/2" below the lowest portion of the badge. The chevrons shall be sewn on with professional skill.
      2. Sergeant: Sergeant Chevrons (three stripes) shall be worn on each sleeve, with the top point of the upper chevron placed 1 1/2" below the lowest portion of the badge. The chevrons shall be sewn on with professional skill.

3. Service Stripes
   1. Service stripes shall not be worn on winter jackets or foul weather gear.

4. Identification Tags and Badge
   1. Front of jacket: The pull-out identification and badge tags on the front of the jacket can be utilized by uniformed employees. If the pull-out identification and badge tags are used, they shall be clearly displayed at all times.
   2. The right breast pocket pull out tab shall be embroidered in 1/2" gold, block lettering indicating the employee's name (i.e.: J. DOE) and badge number if applicable (in that order). The jacket's left breast pocket is equipped with a pull out badge tab. Employees shall affix their brass badge and display it or they can opt to have the Department approved cloth badge attached to the pull-out tab. The employee can choose to have the cloth badge sewn on the outside of the jacket, instead of utilizing the pull-out identification and badge tag.
   3. Back of jacket: The pull out flap on the rear of the jacket can be displayed at the discretion of a sworn officer. All other employees shall display the rear flap at all times. The rear flap shall be screen printed with 2 1/2" white, block lettering and read POLICE.

12. Campaign Hat Specifications
   (a) Stratton Straw - Model 40 DB
   (b) Navy blue, blue cord, 3 piece strap
      1. Chief of Police: Gold cord, 3 piece strap
Uniform Regulations

1046.3.4 CLASS D UNIFORM SPECIFICATIONS AND EQUIPMENT (BICYCLE PATROL)

The bicycle patrol uniform is applicable to all uniformed Police Officers. It shall be considered the routine uniform only for bicycle patrol. It shall be worn during patrol or other special functions when the police bicycle will be the primary mode of transportation.

(a) Uniform shirts

1. Olympic brand or style, CoolMax Class A Polo Shirt, model number CMB342, LAPD blue in color
   (a) The approved California State University, Bakersfield Police Department badge patch shall be sewn above the left breast pocket.
   (b) A department shoulder insignia shall be centered on each sleeve inch below the top of the shoulder seam.
   (c) Rank insignia or chevrons shall be centered on each sleeve between the shoulder seam and the elbow.
   (d) A name tape, displaying the officer's first initial and last name shall be sewn above the right breast pocket.
   (e) A panel (12" x 3 1/2") displaying the word POLICE in reflective silver lettering shall be sewn across the center of the back of the shirt.

2. 5-11 Polo Shirt Model #71049 (100% Polyester)- Dark Navy
   (a) The approved California State University, Bakersfield Police Department badge patch shall be sewn above the left breast pocket.
   (b) A department shoulder insignia shall be centered on each sleeve inch below the top of the shoulder seam.
   (c) Rank insignia or chevrons shall be centered on each sleeve between the shoulder seam and the elbow.
   (d) Officer's first initial and last name shall be sewn on right side chest in gold embroidery 5-point size
   (e) A panel (4"x12") displaying the word "POLICE" in gold lettering on black background with gold border on panel shall be placed across the center of the back of the shirt.

(b) Uniform shorts shall be 511 or compatible style, Comfort Stretch Short, or other similar BDU style bicycle shorts, LAPD blue in color.
(c) Uniform long pants shall be Olympic brand or style Cycling Pants, model number OCP 588, Navy blue in color, or other similar style cycling pants.
(d) Uniform jacket shall be Olympic brand or style Eisenhower Jacket, model number OEJ715, Navy blue in color, or other similar cycling jacket.

1. The approved California State University, Bakersfield Police Department badge patch shall be sewn on the upper left chest.
2. A department shoulder insignia shall be centered on each sleeve inch below the top of the shoulder seam.
3. Rank insignia or chevrons shall be centered on each sleeve between the shoulder seam and the elbow.
4. A name tape, displaying the officer's first initial and last name shall be sewn on the upper right chest.
Uniform Regulations

5. A panel (12" x 3 1/2") displaying the word POLICE in reflective silver lettering shall be sewn across the center of the back of the shirt.

(e) A fully equipped duty belt shall be worn with this uniform.
   1. The duty belt for Bicycle patrol duties shall be the same as the class C duty belt, however the straight baton will not be carried.

(f) Solid black court or hiking shoes shall be worn with this uniform.
   1. Socks shall be white in color.

(g) A department approved bicycle helmet, black in color, shall be worn with this uniform, while operating a bicycle.

1046.3.5 UNIFORM SPECIFICATIONS-DISPATCHER

The following uniform regulation and standards shall apply to all California State University, Bakersfield Police Dispatchers while on duty:

(a) Uniform shirt shall be 5.11 Brand or style, model number 41060 (men) or 61166 (women) polo shirt, Dark Navy (#724) in color.

(b) The approved California State University, Bakersfield Police Department badge shall be embroidered on the upper left portion of the chest. 2. The employee's last name and first initial shall be embroidered on the upper right portion of the chest. The name shall be embroidered in a script font with gold thread that matches the color of the embroidered badge.

(c) Uniform pants shall be a wrinkle-resistant, cotton blend, full-length slack (Dockers or equivalent), black in color. Uniform pants shall contain neither pleats nor cuffs, and they shall contain belt loops and a zippered front.

(d) Either no t-shirt or a white t-shirt will be worn underneath the long sleeve or short sleeve uniform shirt. The t-shirt will be without decals and have a high crew neck which fits snugly around the neck. The neck of the t-shirt shall not extend above the collar of the uniform shirt. The t-shirt sleeves shall not protrude from underneath the sleeve of the uniform shirt. The garment shall be clean and in good repair, with no visible fraying or wear. The t-shirt shall retain its original color, with no detectable fading, staining, or yellowing.

(e) A uniform cardigan sweater may be worn over the uniform shirt. The sweater shall be of acrylic fiber construction, black in color, and shall contain two front pockets. The sweater shall button in front (five buttons), and contain no collar.
   1. The approved California State University, Bakersfield Police Department badge shall be embroidered on the upper left portion of the chest.

(f) A uniform jacket may be worn over the uniform shirt. The jacket shall be a 5.11- Lined Packable Jacket Model #48052, black in color (#019).
   1. The approved California State University, Bakersfield Police Department badge shall be embroidered on the upper left portion of the chest.
   2. The employee's last name with first initial shall be embroidered on the upper right portion of the chest. The name shall be embroidered in a script font with gold thread that matches the color of the embroidered badge.
Uniform Regulations

(g) Uniform shoes shall be black in color, and shall not be of open-toe or open-heel design. Shoes must have a conservative and professional appearance, and shall contain no visible logos.

(h) Uniform socks shall be black in color.

(i) Belt shall be of smooth leather construction, black in color, and contain a silver-colored buckle.

(j) Wear / Appearance
   1. Uniformed employees shall maintain a professional appearance at all times.
   2. Uniforms shall be clean and well maintained, and shall not show unnecessary wrinkles or signs of wear.
   3. The approved belt must be worn at all times when the uniform shirt is tucked in.
   4. At all times when the cardigan sweater is worn, the uniform shirt shall be tucked in.

1046.3.6 UNIFORM SPECIFICATIONS-PARKING OFFICER

The following uniform regulations and standards shall apply to all California State University, Bakersfield Police Department Parking Officers while on duty:

(a) Uniform shirt shall be the 5.11 Tactical Series style, "A/B" Class, medium blue in color, in either poly wool or poly rayon blend. Parking Officers may wear the long sleeved or short sleeved uniform shirt.
   1. Uniform shirt may also be an Olympic brand or style, CoolMax Class A Polo Shirt model number CMB342, Lt Blue in color.
   2. Shoulder patches, badge, and name plate shall be worn in a manner consistent with that of the Police Officers' long sleeved Class A informal uniform shirt.
   3. The front buttons shall remain comfortably buttoned with an open collar.
      (a) A white, cotton blend, crew neck T-shirt shall be worn under the uniform shirt.

(b) Trousers shall be the 5.11 Tactical Series style, "B" Class, midnight blue in color, in either poly wool or poly rayon blend.
   1. Although these trousers are equipped with cargo pockets, the pockets must be used with discretion. The cargo pockets may be used as necessary in field operations or tactical situations, but they will not be permitted to bulge under normal patrol conditions.

(c) Black leather shoes or boots shall have a plain toe and be wax polished to a shine gloss at all reasonable times. Plain black socks with no design must be worn with low-top shoes.

(d) A black basket weave belt with miscellaneous matching accessories as approved by the Lieutenant.

(e) A black jacket as approved by the Chief of police.

(f) The Parking Officer uniform shall be kept in good condition and freshly pressed at all times.

1046.3.7 UNIFORM SPECIFICATIONS-COMMUNITY SERVICE OFFICERS

The following uniform regulations and standards shall apply to all California State University, Bakersfield Police Department Community Service Officers (CSO's) while on duty:
Uniform Regulations

(a) Uniform shirt shall be the 5.11 Tactical Series brand, "A/B" Class, medium blue in color, in either poly wool or poly rayon blend. CSO's may wear the long sleeved or short sleeved uniform shirt.
   1. Shoulder patches, badge, and name plate shall be worn in a manner consistent with that of the Police Officers' long sleeved Class A informal uniform shirt.
   2. The front buttons shall remain comfortably buttoned with an open collar.
      (a) A white, cotton blend, crew neck T-shirt shall be worn under the uniform shirt.

(b) Trousers shall be the 5.11 Tactical Series brand, "B" Class, midnight blue in color, in either poly wool or poly rayon blend.
   1. Although these trousers are equipped with cargo pockets, the pockets must be used with discretion. The cargo pockets may be used as necessary in field operations or tactical situations, but they will not be permitted to bulge under normal patrol conditions.

(c) Black leather shoes or boots shall have a plain toe and be wax polished to a shine gloss at all reasonable times. Black socks must be worn with low-top shoes.

(d) A black basket weave belt with miscellaneous matching accessories as approved by the lieutenant.

(e) A black jacket as approved by the Chief of police

(f) The CSO uniform shall be kept in good condition and freshly pressed at all times.

1046.3.8 UNIFORM SPECIFICATIONS-ADMINISTRATIVE SUPPORT ASSISTANT II

The Administrative Support Assistant II (ASA II) has the option of wearing a uniform or plain clothes. The following uniform regulation and standards shall apply to the ASA II while on duty, if a uniform is worn:

(a) Uniform shall be identical to that of the California State University, Bakersfield Police Department Dispatchers.

(b) At the approval of the Chief of Police, the ASA II will be allowed to participate in "casual Friday" as applicable to the BAS Division.

1046.3.9 ATTIRE SPECIFICATIONS-NON-UNIFORMED EMPLOYEES

(a) California State University, Bakersfield Police Department employees working in plain clothes shall dress in a conservative, business-like manner consisting of men's sport coats, suits, dress shirts, ties, or women's business suits, pantsuits, conservative dresses, skirts and blouses or other appropriate and acceptable attire. This attire must be suitable for the assignment, taking into consideration weather and other factors. Dress shoes with appropriate socks or nylons shall be worn.

(b) Unless their assignment takes them off-campus or they are to meet with the public or other professionals, plain-clothes personnel may wear sport shirts instead of suits, sport coats and ties during summer.

(c) Jeans, shorts, jogging or workout clothes, sweat pants, sweatshirts, tennis shoes, sandals, thongs and other athletic, casual or beachwear are prohibited, unless authorized for a specific classification by the Chief in accordance with BAS practice.

(d) California State University, Bakersfield Police Department employees attending off-campus training sessions or meetings shall dress in a manner which is appropriate
Uniform Regulations

to the training session or meeting and promotes a positive image of the department (no shorts or tank tops shall be worn).

(e) The emphasis is on projecting a professional appearance, which enhances the overall image of the department. Exceptions to the above regulations shall be allowed for personnel working undercover or on special assignments when the exception has been approved by the Chief of Police.

1046.4 MOURNING BADGE

Upon approval by the Chief of Police uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty.

The Mourning band will be worn on your badge as if crossing your heart.

The following mourning periods will be observed:

a. An officer of this department - From the time of death until midnight on the 14th day after the death. b. An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral. c. Funeral attendee - While attending the funeral of an out of region fallen officer. d. National Peace Officers Memorial Week. As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. These positions will also include personnel placed on a light duty assignment or on deferred duty assignment. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the California State University Bakersfield, Police Department or the morale of the employees.
Uniform Regulations

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, California State University Bakersfield, Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the California State University Bakersfield, Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.
(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
(c) Endorse, support, or oppose, any product, service, company or other commercial entity.
(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:
   1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
   2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

1046.7.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired or for years of service from the California State University Bakersfield, Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the California State University Bakersfield, Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

California State University Bakersfield, Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.
Uniform Regulations

California State University Bakersfield, Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.
Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS
Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS
The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

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Nepotism and Conflicting Relationships

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.
Department Badges

1052.1 PURPOSE AND SCOPE
The California State University Bakersfield, Police Department badge and uniform patch as well as the likeness of these items and the name of the California State University Bakersfield, Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY
The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE
Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the California State University Bakersfield, Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 NON-SWORN PERSONNEL
Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees upon approval of the Chief of Police may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.
Department Badges

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the California State University Bakersfield, Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.

2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.
Modified Duty Assignments

1054.1 PURPOSE AND SCOPE
The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1054.2 DEFINITIONS
Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1054.3 LIMITATIONS
Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

1054.4 PROCEDURE
Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to the Chief of Police, via the chain of command. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Chief of Police or his/her designee, will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment.
Modified Duty Assignments

1054.4.1 MODIFIED-DUTY SCHEDULES
The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Chief of Police or his/her designee.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1054.4.2 ACCOUNTABILITY
The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Lieutenant apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Lieutenant with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Lieutenant and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS
The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.5 PREGNANCY
It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1054.5.1 EMPLOYEE NOTIFICATION
An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must
Modified Duty Assignments

Inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1054.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Chief of Police via the chain of command, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the State's Personnel Rules and Regulations regarding family and medical care leave.

1054.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1054.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.
Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE
This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY
This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY
Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the California State University Bakersfield, Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1058.3 SAFETY
Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the California State University Bakersfield, Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
1058.3.1 USE OF DEPARTMENT MAILING ADDRESS

No one shall use the department or campus mailing address for personal reasons of any type unless approved by the Chief of Police.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the California State University Bakersfield, Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the California State University Bakersfield, Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the California State University Bakersfield, Police Department or its employees. Examples may include:
   1. Statements that indicate disregard for the law or the state or U.S. Constitution.
   2. Expression that demonstrates support for criminal activity.
   3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the California State University Bakersfield, Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the California State University Bakersfield, Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or
Employee Speech, Expression and Social Networking

department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).

2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the California State University Bakersfield, Police Department or identify themselves in any way that could be reasonably perceived as representing the California State University Bakersfield, Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the California State University Bakersfield, Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.
Employee Speech, Expression and Social Networking

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).

1058.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1058.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.
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AGREEMENT BETWEEN THE BAKERSFIELD POLICE DEPARTMENT AND THE CALIFORNIA STATE UNIVERSITY BAKERSFIELD POLICE DEPARTMENT PURSUANT TO EDUCATION CODE SECTION 67381 (KRISTEN SMART CAMPUS SAFETY ACT OF 1998)

AGREEMENT

The California State University, Bakersfield campus is under the primary jurisdiction of the California State University Police Department as described in Section 89560 of the California Education Code and Section 830.2(c) of the California Penal Code. The University Police Department is responsible for processing, investigating and prosecuting all crimes committed on State University property and grounds owned, operated, controlled or administered by the California State University. By this agreement, the University Police Department may call upon the Bakersfield Police Department to assist in the handling of major crimes, including but not limited to Part I violent crimes as defined in California Education Code Section 67381 (the Kristen Smart Campus Safety Act of 1998) Section 1, or when during the course of any investigation the University Police Department determines the situation requires expertise or resources beyond its capabilities.

The University Police Department may request the Bakersfield Police Department to assume lead responsibility for homicides and violent Part I crimes that could result in homicide (PC 194). If so requested, a CSUB Police Officer liaison will be assigned to their investigative detail. In the case of homicides, the University Police Department will immediately notify the Bakersfield Police Department and take appropriate actions to preserve the crime scene, protect evidence, and isolate witnesses and suspects pending the arrival of the Bakersfield Police Department.

Section 1. Geographical Boundaries
The following area is within the primary responsibility of the California State University, Bakersfield Police Department: California State University, Bakersfield is the geographic area bordered by Stockdale Highway to the North, State Farm and Mercy Southwest property line to the West, Camino Media to the South, and the Arvin/Edison Canal to the East.

"ATTITUDE MAKES THE DIFFERENCE"
Section 2. Traffic Enforcement
California State University police officers will enforce traffic regulations on campus. University officers will enforce traffic regulations on streets adjacent to the campus and within the one mile concurrent jurisdiction should the violation warrant enforcement action. Parking violations on streets adjacent to the campus will be the primary responsibility of the Bakersfield Police Department.

Section 3. Traffic Control
Whenever the University Police Department requires additional traffic control or other non-emergency assistance from the Bakersfield Police Department for a scheduled event, the University shall give notice for the request for assistance at the earliest possible date prior to the scheduled event.

Section 4. Accidents
All accidents occurring on the campus (parking lots, roadways, etc.) of California State University Bakersfield will be handled by the University Police Department. The University may request the Bakersfield Police Department to assist in the investigation of accidents involving life threatening injuries or fatalities.

Section 5. Impounding Vehicles
Vehicles impounded by university officers on or adjoining the university campus will be carried out under authority of CVC Section 22651. University Police Department Records personnel will enter the vehicles into CLETS as impounded.

Section 6. Off-Campus Requests for Service
University officers may respond to citizen calls for service within the jurisdictional responsibility of the Bakersfield Police Department in areas adjacent to university property. All such requests will be relayed or referred immediately to the Bakersfield Police Department via phone or radio. If the situation is resolved without the need for a written report, or there is little likelihood of future police intervention, Bakersfield Police may cancel their response when Communications is so advised by university officers. University officers will respond for back-up assistance upon request of the Bakersfield Police Department. University officers may respond to areas adjacent to university property to observe incidents under investigation by the Bakersfield Police Department whenever the case may involve university property or students.

Section 7. Responding to On-Sight Calls For Assistance
University officers will handle all on-sight incidents (and on-sight requests for service) off campus pursuant to Section 830.2 of the California Penal Code and Section 89560 of the California Education Code. Considering the stability of the scene, response time, the nature of the incident, the location of the incident, the reasonableness of any detention, and the appropriateness of intervention by the California State University Police Department, the University Police Department shall determine whether to turn over control of the incident to the Bakersfield Police Department. When appropriate, the University Police Department Watch Commander will insure that the Bakersfield Police Department is notified of the incident. If the decision is made to turn control of the incident over to the Bakersfield Police Department, University officers will take whatever action is necessary to preserve the peace, protect life and property, and preserve the crime scene for follow-up by the Bakersfield Police Department.

"ATTITUDE MAKES THE DIFFERENCE"

The California State University - Bakersfield - Channel Islands - Chico - Dominguez Hills - East Bay - Fresno - Fullerton - Humboldt - Long Beach - Los Angeles - Maritime Academy - Monterey Bay - Northridge - Pomona - Sacramento - San Bernardino - San Diego - San Francisco - San Jose - San Luis Obispo - San Marcos - Sonoma - Stanislaus
Section 8. Criminal Investigation
The California State University Police Department is responsible for the investigation of all crimes occurring on State property and grounds owned, operated, controlled or administered by the California State University.

Section 9. Request for assistance from the Bakersfield Police Department
Upon request, the Bakersfield Police Department will lend assistance to the University Police Department with regard to criminal investigations when the investigation exceeds the resources of the University Police Department.

Section 10. Criminal Investigation Beyond University Boundaries
University police are authorized under law to investigate crimes that have occurred within their jurisdiction anywhere in the State of California. If the university police investigate a crime beyond the one-mile radius of the campus, the University Police Department will notify the proper jurisdiction as a courtesy. The Bakersfield Police Department will assist as much as possible with investigations extending into Bakersfield City jurisdiction when requested by university officers.

Section 11. Serving Warrants
Bakersfield City police officers attempting to serve an arrest warrant, subpoena or any other writ on campus will first contact the University Police Department and seek their assistance. The California State University Police Department will notify the Bakersfield Police Department when officers attempt to serve warrants, subpoenas or any other writs within Bakersfield Police Department jurisdiction.

Section 12. Management of Civil Disorders
All street disturbances, riots, unlawful assemblies, civil disorders, etc., which depart the university campus will be the responsibility of the Bakersfield Police Department. In the event the disturbance occurs off the campus but involves university students, the University Police Department may monitor the occurrence in order to be advised of the possibility of the occurrence moving onto the university campus. In the event this type of activity remains on campus, the University Police Department may request assistance, as necessary, from the Bakersfield Police Department. Bakersfield Police Department commanding officers will then confer with University Police Department commanding officers and (the) University Administration regarding the incident. The Bakersfield Police Department will cooperate with the University Police in carrying out the agreed upon general response.

Section 13. Investigation of Vehicle Cases
The University Police Department will investigate reports of vehicles stolen and recovered on State University property and immediately enter the appropriate information into CLETS and make appropriate notifications to the registered owner of the vehicle, the agency accepting the stolen vehicle report and the Department of Justice. Vehicles stolen or recovered on city streets surrounding the university campus will be the primary responsibility of the Bakersfield Police Department. Should university officers recover stolen vehicles on city streets surrounding the university campus, the University Police Department will immediately enter the appropriate information into CLETS and make appropriate notifications to the registered owner of the vehicle and the Department of Justice. Vehicles may be removed by university officers from the city streets when blocking state owned driveways or creating other hazards to university streets or pedestrians or as part of the investigation of a crime. In this event, appropriate information will be entered into CLETS by the University Police Department.

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Section 14. Officer-Involved Firearms Discharge
In the event a member of the University Police Department fires a weapon resulting in any injury or fatality, the Bakersfield Police Department may be notified and requested to respond to conduct the investigation. The Bakersfield Police Department will conduct the investigation as agreed. Upon such an incident University Police Department Administration will contact the Bakersfield Police Department Watch Commander for notification and request for response.

Section 15. Entering the California State University Bakersfield campus on official business
To assist in coordinating activities between the University Police Department and the Bakersfield Police Department, officers in uniform or in plainclothes going onto the California State University Bakersfield campus on official business will notify the California State University Police Department on-duty Watch Commander via UPD Communications at 654-2111.

Section 16. Crime Reports and Records
All crime reports taken by university police officers shall be made on California State University Police Department case numbers. Any criminal cases requiring coordination with the Bakersfield Police Department will be forwarded to the Bakersfield Police Department marked: "For Information Purpose Only." All major crimes occurring on university property shall be reported to the Bakersfield Police Department on-duty Watch Commander for informational purposes only. Similar cases occurring adjacent to the university campus in the jurisdiction of the Bakersfield Police Department shall be reported to the university police on-duty supervisor.

Michael Chavez, Director of Procurement
California State University, Bakersfield

Marty Williamson, Chief of Police
California State University, Bakersfield

Greg Williamson, Chief of Police
Bakersfield Police Department

"ATTITUDE MAKES THE DIFFERENCE"
LETTER OF UNDERSTANDING AMENDMENT

(this AMENDMENT, made and entered into this October 7, 2011 in the State of California, by and between the California State University, Bakersfield Police Department, hereafter called the CSUB Police, and the Bakersfield Police Department, hereafter called the BPD.

WITNESSETH: That the BPD for and in consideration of the covenants, conditions, agreements, letter of understanding, and stipulation of the CSUB Police hereinafter expressed, does hereby agree to provide law enforcement support services in accordance with the following amendment, as stipulated herein Amendment sections 01-A and 01-B, identified below as follows:

01-A. AMENDMENT – DUI ARRESTS

WHEREAS: The CSUB Police and the BPD recognize that the frequency of DUI arrests on the CSUB campus is very low.

WHEREAS: It is recognized that the training for an officer to become proficient and to stay proficient requires actual experience in processing DUI cases.

WHEREAS: It is further recognized that due to the low frequency of DUI cases on the CSUB campus, a CSUB Police officer will likely be unable to become or stay proficient in DUI investigations.

WHEREAS: The BPD is better trained and can provide these services in a more proficient manner.

NOW THEREFORE:

1. The BPD agrees to take over any suspected DUI investigation that occurs on the CSUB campus upon request from the CSUB Police.

2. The CSUB Police will conduct a preliminary investigation to determine the likelihood that the driver is DUI. If it is determined that the driver is possibly DUI, the BPD will be contacted and requested to respond to take over the investigation. The CSUB Police officer conducting the preliminary DUI investigation will provide a written report to the responding BPD officer detailing his/her actions and observations leading to the detention and the notification of the BPD.

3. Any funds that are generated as part of the investigation and prosecution of a suspected DUI case will belong to the BPD.

01-B. AMENDMENT – CSUB CAMPUS EVENTS

WHEREAS: The CSUB Police is responsible for providing its officers for security purposes for all Special Events held on University property.

WHEREAS: The CSUB Chief of Police has been delegated the authority and responsibility to ensure that an adequate number of officers are provided to cover security for Special Events held on University property.

WHEREAS: The CSUB Chief of Police or his/her designee has the authority under LOU 1719 to contact the BPD to request and arrange for BPD officers to be assigned to assist the CSUB Police Department when needed for assistance.

NOW THEREFORE:

1. Upon request by the CSUB Police, the BPD agrees to provide BPD officers to the CSUB Police if additional law enforcement support is required for events held at the CSUB campus; however, the BPD shall not be required to honor such request if to do so would deplete unreasonably its own resources.

2. Any BPD officers assigned to the CSUB Police for an event will be expected to provide services under the direction of the CSUB Police Officer in charge of the event as designated by the CSUB Chief of Police.

3. It is agreed that the CSUB Police will be billed by the BPD within 30-days after an event for the actual hours worked by the BPD officers.

4. The CSUB Police agrees to reimburse the BPD for actual costs for use of each BPD officers’ time and resources in providing law enforcement support services to the CSUB Police for an event.)
5. The CSUB Police shall take any precautionary measures to ensure that the BPD officers will be providing law enforcement support services under the primary jurisdiction and in support of the CSUB Police.

6. The BPD warrants that the officers being provided (loaned) to the CSUB Police Department are agreeable to the jurisdiction requirements of this LOU.

7. The CSUB Police hereby stipulates that it has insurance evidencing coverage for general liability insurance, auto liability insurance, and workers' compensation insurance, covering all CSUB Police personnel for each event.

8. As a general rule, the BPD agrees to be responsible for its own cost of all health insurance, general liability insurance, auto liability insurance and workers' compensation insurance, covering all BPD officers and resources for each event.

9. If it is necessary for BPD to furnish equipment or utilize its own vehicles, BPD agrees to furnish necessary equipment and vehicles to render services to CSUB Police as set forth above. BPD shall bear the loss of damage to such equipment and pay any expenses incurred in the operation and maintenance thereof.

10. Nothing herein shall prevent the BPD from requesting reimbursement for any other actual reasonable costs or expenses incurred while performing hereunder when assistance is requested under this agreement by the CSUB Police.

Except as provided herein, all terms and conditions of the original Letter of Understanding referenced above, as heretofore changed, remains unchanged and in full force and effect.

<table>
<thead>
<tr>
<th>CALIFORNIA STATE UNIVERSITY, BAKERSFIELD POLICE DEPARTMENT (CSUB Police)</th>
<th>BAKERSFIELD POLICE DEPARTMENT (BPD)</th>
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<tr>
<td>PRINTED NAME AND TITLE OF PERSON SIGNING</td>
<td>PRINTED NAME AND TITLE OF PERSON SIGNING</td>
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<tr>
<td>Michael Chavez, Director of Procurement &amp; Contract Services</td>
<td>Greg Williamson, Chief of Police</td>
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<td>BY (AUTHORIZED SIGNATURE)</td>
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<td>ADDRESS</td>
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<tr>
<td>9001 Stockdale Hwy., 34 AW</td>
<td>1601 Truxtun Avenue</td>
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<tr>
<td>Bakersfield, CA 93311</td>
<td>Bakersfield, CA 93301</td>
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<tr>
<td>Phone: 661-654-3181</td>
<td>Phone: 661-327-7111</td>
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<tr>
<td>Fax: 661-654-3144</td>
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1. This agreement is entered into to clarify and establish protocols for the investigation of officer involved shooting/use of deadly force, which occur within the jurisdictional boundaries of California State University, Bakersfield either by University Police Officers, or Officers of the Bakersfield Police Department. The Bakersfield Police Department agrees to conduct the investigation of an officer involved shooting/use of deadly force.

2. The Bakersfield Police Department further agrees to accept a University Police Department liaison on their investigating team. This individual, to be designated by the Chief of the University Police Department, will have no investigative duty or assignment other than as an observer. This individual shall provide the authority under Government Code Section 3300, the Peace Officer’s Procedural Bill of Rights, to insure investigative cooperation by involved University Police Personnel with the investigating team, and will have full access and will be kept fully apprized of all investigative issues.

3. The University Police Department shall, however, retain responsibility and jurisdiction with regard to the internal administrative and policy review of University Police personnel involved in the use of firearms or deadly force regardless of whose jurisdiction the incident occurs in.

4. The University Police Department agrees to provide full autonomy to the Bakersfield Police Department with regard to any investigation initiated pursuant to this agreement.

5. It is further agreed, that an officer involved shooting or use of deadly force by a Bakersfield Police Officer within the jurisdictional boundaries of the State University Police Department, shall also be investigated by the Bakersfield Police Department. In order to maintain jurisdictional accountability, the Bakersfield Police Department agrees to accept a designated liaison officer as a member of their investigative detail as an observer.

6. Both agencies agree that there shall be full consultation between designated administrative personnel prior to any news release concerning an incident involving a University Police Officer. Any such release shall be strictly in accordance with the provisions of the California Government Code.

"ATTITUDE MAKES THE DIFFERENCE"
Michael Chavez, Director of Procurement
California State University, Bakersfield

Date: 7/3/10

Marty Williamson, Chief of Police
California State University, Bakersfield

Date: 7-22-10

Greg Williamson, Chief of Police
Bakersfield Police Department

Date: 7-20-2010
AGREEMENT BETWEEN THE BAKERSFIELD POLICE DEPARTMENT AND THE CALIFORNIA STATE UNIVERSITY BAKERSFIELD POLICE DEPARTMENT PERMITTING THE CSU BAKERSFIELD POLICE DEPARTMENT LIMITED USE OF BAKERSFIELD POLICE DEPARTMENT RADIO CHANNELS ONE, TWO, THREE, FOUR, AND TEN

AGREEMENT

Due to the intimate proximity of the jurisdictions of the Bakersfield Police Department (BPD) and the California State University Bakersfield Police Department (CSUBPD), there are specific instances where the two agencies will work together in situations where the direct communication of the officers is imperative. The intent of this agreement is to delineate the permissible uses of BPD Channels One, Two, Three, Four, and Ten by the CSUBPD.

Use of BPD Channels One and Two: The use of BPD radio channels One and Two will be solely for the purpose of emergency in progress situations involving both BPD and CSUBPD sworn police-units where the communication between these officers is imperative to the safety of the public or of the officers.

1. As BPD radio channels One and Two are primary dispatch channels, CSUBPD Units will not use these channels for general police communications.
   a. For example, but not limited to, these channels will not be used for joint traffic control operations, traffic stops, warrant checks etc...

2. The CSUBPD agrees to maintain strict control and supervision of all radios that will be programmed for use on BPD radio channels to insure only authorized CSUBPD personnel use them.

3. The CSUBPD will provide the BPD Communications Center with a list of confidential phone numbers to CSUBPD Supervisors for contact should questions or concerns about CSUBPD use of BPD Radio Channels arise.

4. CSUBPD Units will follow the instructions of a BPD supervisor or dispatcher as to the designation and use of BPD channels.

5. The use of BPD channel Three, Four, and Ten will be limited to emergency and/or field requests that cannot be addressed by CSUBPD Dispatch Personnel.
   a. BPD Communications Center personnel will be available to assist CSUBPD Dispatch personnel, via telephone, to interpret CJIS, CLETS, & NCIC returns as needed.

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b. Unless otherwise described above, CSUBPD Dispatch personnel will handle all such routine requests from CSUBPD Units.

6. CSUBPD will ensure that all personnel are in compliance with all DOJ rules and regulations and will provide the BPD Communications Center with a list of personnel who are authorized to receive information from DOJ files.
   a. CSUBPD will also provide updated lists of personnel authorized to receive DOJ file information as soon as practical so as to prevent unauthorized personnel from receiving classified information.
   b. An authorized Department of Justice Information Sharing Agreement between the CSUBPD and BPD will be signed by both agencies prior to the release of any information.

7. CSUBPD Units will identify themselves by their call sign "Cal-Robert" or "Cal-Baker" when transmitting on BPD radio channels.

8. The CSUBPD will use the telephone for all communications with the BPD Communications Center unless use of BPD Channels One, Two, Three, Four or Ten is permitted as outlined above.

9. The BPD reserves the right to revoke the use of BPD radio channels One, Two, Three, Four, and Ten by CSUBPD at any time.

Michael Chavez, Director of Procurement
California State University, Bakersfield
Date: 1/30/08

Claudia Neal, Chief of Police
California State University, Bakersfield
Date: 1/30/08

Bill Rector, Chief of Police
Bakersfield Police Department
Date: 8/14/08
Most bomb threats are received by phone. Bomb threats are serious until proven otherwise. Act quickly, but remain calm and obtain information with the checklist on the reverse of this card.

If a bomb threat is received by phone:

1. Remain calm. Keep the caller on the line for as long as possible. DO NOT HANG UP, even if the caller does.
2. Listen carefully. Be polite and show interest.
3. Try to keep the caller talking to learn more information.
4. If possible, write a note to a colleague to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
5. If your phone has a display, copy the number and/or letters on the window display.
6. Complete the Bomb Threat Checklist (reverse side) immediately. Write down as much detail as you can remember. Try to get exact words.
7. Immediately upon termination of the call, do not hang up, but from a different phone, contact FPS immediately with information and await instructions.

If a bomb threat is received by handwritten note:

- Call (661) 654-2111
- Handle note as minimally as possible.

If a bomb threat is received by email:

- Call (661) 654-2111
- Do not delete the message.

Signs of a suspicious package:

- No return address
- Excessive postage
- Stains
- Strange odor
- Strange sounds
- Unexpected delivery
- Poorly handwritten
- Misspelled words
- Incorrect titles
- Foreign postage
- Restrictive notes

DO NOT:

- Use two-way radios or cellular phone; radio signals have the potential to detonate a bomb.
- Evacuate the building until police arrive and evaluate the threat.
- Activate the fire alarm.
- Touch or move a suspicious package.
CONSENT FOR PHOTOGRAPH

I, ______________________________ residing at ______________________________

Having been informed of my right to refuse to give consent to being photographed, I hereby authorize the California State University Police Department Officer to photograph me for the purpose of completing a police investigation.

I have read this form and/ or have had it read to me and I understand its contents. This permission is given by me freely and voluntarily and without threats or promises of any kind. I also understand that my consent can be withdrawn at anytime during the execution of the photograph.